

Ex 1

**HUNTON &
WILLIAMS**



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FILE NO: 30067.000009

May 10, 2006

**VIA ELECTRONIC AND
OVERNIGHT MAIL**

Mr. Randy Sturgeon (3HS23)
United States Environmental
Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

**Re: Response of The Peck Company to Request for Information Pursuant
Under Section 104(e) of CERCLA With Regard to Peck Iron and Metal
Property, 3850 Elm Avenue, Portsmouth, Virginia**

Dear Mr. Sturgeon:

On behalf of The Peck Company (hereinafter "Peck"), this is the response, as of the date set forth above, to the letter from Dennis P. Carney dated January 13, 2006, and received by Peck on March 6, 2006, requesting information with regard to the Peck Iron and Metal property in Portsmouth, Virginia (hereinafter the "Information Request").¹ We are submitting this response in our capacity as counsel for Peck. Peck understands that it has a continuing obligation to supplement this response if additional information becomes available, and Peck reserves the right to submit additional information that it may find to be responsive to the Information Request.

Set forth below are each question contained in the Information Request in *bold-faced, italicized type*, followed by Peck's response as of the date of this letter.

¹ The Information Request called for a response within 30 calendar days of the date on which we received it. In a letter to Dennis Carney sent on March 17, 2006, David Peck requested an extension until May 5, 2006, to submit Peck's response. On behalf of EPA, Mr. Carney granted this request in a letter sent to Mr. Peck on March 28, 2006. Patricia Miller granted Peck an additional extension until May 10, 2006, which I confirmed in an e-mail to Ms. Miller on May 3, 2006.

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1. *As it relates to the Site, what is the current nature of your business or activity or any other business or activity that may be taking place at the Site?*

RESPONSE:

Currently a minority owned business, Able Body Demolition, is using the property to store its trucks. Able Body also has unloaded inert material, including concrete, dirt, and asphalt, on the property, and has spread some of the piles of asphalt and concrete. The company has followed Peck's instructions not to remove any soil from the site, and to keep any visitors or vandals off the site.

2. *As it relates to the Site, what was the nature of any business or activity during the period of time you or any member of the Peck family, or a company substantially owned or controlled by the Peck family, either owned and/or operated the Site?*

RESPONSE:

From 1945 to approximately 1990, the business conducted at the property was the purchase, processing, storage and shipping of metal scrap from various military bases, other federal, state and local government agencies, and local businesses. Liquidation of remaining scrap materials off of the property continued into the early 1990s. In addition, Peck Equipment Company was established in the 1960's to locate hard-to-find parts for the U.S. Navy.

In a letter from S.G. Werner to D.S. Welch of EPA dated May 11, 2004, Mr. Werner provided an historical summary of Peck's activities at the property. This letter also was provided as an attachment to an e-mail from S.G. Werner to K. Bunker dated July 28, 2004.

3. *Describe how the size or property boundaries of the Site have changed since the inception of Peck activities at the Site.*

RESPONSE:

Some time during the period between 1945 and 1950, Peck acquired land adjacent to the original parcel. In the 1990's, less than an acre was acquired from the U.S. Navy. In 2003, Peck donated a conservation easement of approximately six acres along Paradise Creek to the Elizabeth River Project ("ERP"), which modified the land to serve as a wetland and forested buffer area. In the course of its work, the ERP removed a berm, dredged soils, re-contoured the area, and deposited soil back on other portions of the Peck property.

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The current 33 acres are on five parcels. The following table summarizes the title history of the current property.

Deed Records Search

DATE	GRANTOR	GRANTEE	COMMENTS
05-18-88	Peck Iron & Metal Co., Inc.	Elm Leasing Co.	2.990 ac - 1 st part 2 nd & 3 rd parts - Easements
10-01-76	USA Dept. of Navy	Peck Iron & Metal Co., Inc., et al.	3 rd part - Easement, 0.05 ac.
06-30-76	Norfolk-Portsmouth Belt Line Railroad Co.	Peck Iron & Metal Co., Inc., et al.	2 nd part - Easement agreement for use of Scott Center Road Crossing
10-28-69	USA Dept. of Navy	Norfolk-Portsmouth Belt Line Railroad Co.	Deed of Easement
12-30-63	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	4.544 ac.
05-13-88	Peck Iron & Metal Co., Inc.	Peck Portsmouth Land Co.	Parcel B - 22.924 ac.
12-30-63	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	4.544 ac.
01-26-60	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	21.4 ac.
01-26-60	Peck Iron & Metal Co., Inc.	Kenneth McCracken, Trustee	Holder of Note, 21.4 ac.
03-31-31	Portsmouth Cotton Oil Refining Corp.	Proctor & Gamble	Parcels A & B - 110 ac.
01-01-88	Julius S. & Bess P. Peck	JSP Land Company	2 ac; Parcel A-1.174 ac.; Parcel B-2.733 ac.; 1st-0.8016 ac.; 2 nd -1 ac.; 3 rd -0.55 ac.; 4 th -Parcel 1-0.004 ac., Parcel 2-0.17 ac.
07-29-47	Trites Refinery, Inc.	Julius S. Peck	2 ac.
07-12-47	Philip C. Cuddeback, et ux.	Trites Rendering, Inc.	

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03-08-47	Frederick W. Marrat	Philip C. Cuddeback	
01-07-29	American Forest Products Company	Frederick W. Marrat	
10-11-28	Cradock Mfg. Co.	American Forest Products Company	
09-29-50	Richard B. Kellam, Special Commissioner, et al.	Julius S. Peck & R.F. & Thirza Trant	Parcels A (1.174 ac.) & B (2.733 ac.). Kellam Commissioner for dispute in Trant family. R.F. paid off dispute amount to Commissioner, land released to Peck
07-30-28	H.W. West	John H. Trant, Jr.	
07-05-28	R.D. White	John H. Trant, Jr.	
05-28-28	Cradock Mfg. Co.	Richard B. Kellam, Special Commissioner	
08-06-45	Joseph W. Dunkam, et al.	Julius S. Peck (formerly Julius S. Pecker)	1 st - 2.304 ac. 2 nd - 1 ac. 3 rd - 0.55 ac. 4 th - Parcel 1 - 0.004 ac. Parcel 2 - 0.17 ac.
06-29-44	Commonwealth of Va.	Joseph W. Dunkum	4 th - Parcels 1 & 2; quit claimed to Dunkum
05-31-43	County of Norfolk	Commonwealth of Va.	4 th - Parcels 1 & 2; quit claimed to Commonwealth of Va.
08-03-28	Norfolk Portsmouth Bridge Corp.	County of Norfolk	4 th - Parcels 1 & 2
04-18-28	Cradock Mfg. Co.	Joseph W. Dunkum	3 rd - 0.55 ac.
04-16-27	Cradock Mfg. Co.	Joseph W. Dunkum	1 st - 2.304 ac.
04-27-26	Cradock Mfg. Co.	Joseph W. Dunkum	2 nd - 1 ac.

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4. *Explain how hazardous substances such as, but not limited to, polychlorinated biphenyls (PCBs) and lead came to be present on the site.*

RESPONSE:

The metal scrap purchased during the period of scrap metal operations consisted of damaged and obsolete equipment, attachments, parts, and other miscellaneous materials. At various times the scrap contained cadmium-coated automobile parts; lead as an additive in petroleum products; PCBs in insulated wire, gaskets, fluorescent lights, transformer oil, and household appliances that used capacitors; lead-based paint in scrapped bridge sections; and lead in automobile batteries. Metal scrap from the government was not cleaned or purged of hazardous substances before transfer to the Peck property.

5. *Provide all information regarding the current or past environmental and physical conditions at the Site including but not limited to geology and hydro-geology, soil, groundwater, surface-water (including drainage patterns), sediments, sewer systems, and storm water conveyance systems. This includes, but is not limited to, field observations and measurements, laboratory data, field screening data, boring logs, sample locations and dates.*

RESPONSE:

Physical and chemical data for the property have been submitted to the Virginia Department of Environmental Quality ("DEQ") and EPA. Peck believes that information provided to DEQ and EPA through December 2004 confirmed that there are discrete locations on the property with elevated concentrations of certain parameters, but that there would be no unacceptable risk to the environment or to humans if the property were covered with a cap and restricted as to future use. Furthermore, there were no indications that the property would endanger anyone if left undisturbed. A risk assessment prepared for Peck indicates that there would be no unacceptable risks to humans or the environment or the likelihood of a release to groundwater even if it were assumed that there are PCB concentrations of up to 5,000 mg/kg in the former metal processing area.

The following table lists reports and other communications by which EPA and/or DEQ were provided information responsive to this question. Peck is not submitting copies of these reports and communications with this response but will provide them to EPA upon request.

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Date	Recipient	Sender	Description
15-May-03	Bernard, J.	Werner, S.G.	Draft Site Characterization Risk Assessment Report
28-May-03	Bernard, J.	Werner, S.G.	Site Characterization - Risk Assessment Report, Proposed Pull-A-Part Site, 3500 and 3850 Elm Avenue, Portsmouth, Virginia
04-Aug-03	Bernard, J.	Werner, S.G.	Response to DEQ's 18-Jun-03 letter commenting on Site Characterization Report and proposing a sampling program
12-Aug-03			Quantitation Report of samples obtained on 8-Aug-03
11-Sep-03	Greene, K.L.	Peck, B.D.	Letter regarding EPA's desire to sample for dioxin contamination at site; briefly discussing previous site operations; and requesting authorization from DEQ to go forward with site remediation
21-Oct-03	Werner, S.G.	Unze, S.C.	Attaches sample results for PCDDs and PCDFs
04-Nov-03		Williams, M.D.	Pull-A-Part Sampling Event: 08-06-03
07-Nov-03	Bernard, J.	Werner, S.G.	Site Characterization Study Addendum; attached is 27-Oct-03 memorandum to J. Bernard from S.G. Werner presenting sediments sampling plan
21-Nov-03	Werner, S.G.	Kinder, D.S.	Explanation of deficiencies cited in M. Williams 4-Nov-03 report
18-Dec-03	Bernard, J.F.	Hatcher, R.F.	Email forwarding colloquy between J.F. Bernard and S. Hahn of NOAA regarding the Peck Property Report addendum
17-Feb-04	Werner, S.G.	Williams, M.D.	Memorandum regarding QA/AC criteria

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Date	Recipient	Sender	Description
17-Feb-04	Bernard, J.	Werner, S.G.	Response to EPA's 15-Jan-04 "Characterization Report Review"; attached are: EPA's 15-Jan-04 letter; QA/QC reports for PCB and lead analyses for soil samples; summary of data validation performed by Draper Aden; and a response by laboratory to deficiencies identified by Draper Aden
30-Mar-04	Rice, S.	Werner, S.G.	Letter enclosing PCB analytical data, including map showing October 2003 PCB soil sampling results
11-May-04	Welsh, D.S.	Werner, S.G.	Letter enclosing Peck's "Self-Implementing PCB Cleanup Plan"
28-Jun-04	Peck, D.B.	Jarvela, S.	Letter stating EPA wants to conduct sampling at Peck site's wetlands and shoreline along border of property and Paradise Creek. Property Access Agreement attached
29-Jun-04			EPA Region III "Property Access Form" granting EPA and members of response team access to The Peck Company Site to collect samples for PCB and metals analysis
07-Jul-04			Sediments chain of custody form prepared by Mr. Hatcher
13-Jul-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 22-Jun-04 letter to B.D. Peck from J.J. Burke regarding deficiencies in Self-Implementing PCB Cleanup Plan; attached is Revised (12-Jul-04) Site Characterization and Self-Implementing PCB Cleanup Plan

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Date	Recipient	Sender	Description
20-Jul-04		Severn Trent Labs	Sample confirmation report
16-Aug-04	Hatcher, R.F.	Jarvela, S.	Email regarding preliminary results of 7-Jul-04 sampling event
03-Sep-04	Hatcher, R.F.	Rieger, J.	Summary of samples taken; cost of analysis; map of locations where samples were taken
28-Sep-04	Loeb, M.	Werner, S.G.	Email update on sample analysis
26-Oct-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 15-Oct-04 correspondence regarding Self-Implementing PCB Cleanup Plan; attached is Revised (22-Oct-04) Site Characterization and Self-Implementing PCB Cleanup Plan
18-Nov-04	Hatcher, R.F., Werner, S.G.	List, R.	Email setting out treatability study results and suggesting a meeting to discuss the results, treatment/stabilization strategies, regulatory implications and costs.
23-Nov-04	Hatcher, R.F., Werner, S.G.	List, R.	Additional treatability results
06-Jan-05	Hatcher, R.F., Bernard, J.F., Green, K.L.	Rieger, J.	Email regarding 70 ppb PCB screening level in sediments
03-Feb-05	Hatcher, R.F.	Williams, T.G.	Fax proposing use of same grid numbers and letters system as drawing supplied to Koontz-Bryant, reporting of plant to conduct site work from 8-Feb-05 thru 10-Feb-05
09-Feb-05	Bernard, J.	Werner, S.G.	Memorandum regarding soil sample location plan
16-Jun-05	Werner, S.G. & Hatcher, R.F.	Webb, J.N.	Requesting status of grid sampling effort

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Date	Recipient	Sender	Description
Undated			Site location map; well locations and boring locations; summary of analytical data - surface soil samples (6/1999 & 7/1999); summary of analytical data - soil/water interface soil samples (7/1999); summary of analytical data - groundwater (7/1999); summary of analytical data - mixed media (7/1999)

Peck is submitting to EPA with this response the laboratory data reports for samples collected at the property during 2005.

6. *Provide all documents that show the types of material accepted, customers, operational periods, and description of operations (including locations of operations) both owned and/or operated by you or any tenant(s).*

RESPONSE:

Peck has no documents in its possession responsive to this question. The following provides a brief description of operations on the property based on David Peck's recollection.

The operations at the property until the 1980's were located in and around the cinderblock buildings in the center of the property. At one of the buildings, a hydraulic guillotine shear cut steel to size. One building served as a sorting and storage room for non-ferrous metals and contained a small aluminum furnace to melt aluminum scrap. In the front, by the stop light, was a men's locker room and machine shop. A weigh scale was outside an office trailer near the stop light.

During the period of scrap metal operations on the property, the Department of Defense processed and sold metal scrap to Peck Iron & Metal from various military bases and Navy yards, including: Norfolk Naval Shipyard; Naval Air Station; Oceana; St. Juliens Creek; Cheatham Annex; Yorktown; Quantico; Ft. Meade; and Bellwood. The General Services Administration, Coast Guard, NOAA, and other agencies of the federal government also regularly sold surplus material to Peck Iron & Metal. Other large, non-government sellers to Peck Iron & Metal included the railroads, Virginia Electric and Power, landfills (which were

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sources of white goods and miscellaneous scrap), and the ship repair facilities, including Newport News Shipbuilding and Drydock, Norfolk Shipbuilding, and Moon Engineering.

Two occupants of the property -- neither affiliated with Peck -- in approximately 2001-02 operated businesses involving the handling of equipment and perhaps scrap metals. One occupant's operation led to action by DEQ, after which Peck evicted the occupant from the property. Currently, Able Body Demolition is using the property for truck storage and is helping to keep the property secure.

7. *Provide any correspondence to or from local, state or federal governments that discuss environmental conditions or issues at the property. This could include, but is not limited to, information regarding inspections, permits, violations and discharges.*

RESPONSE:

At the time Peck entered the Virginia Voluntary Remediation Program, its past and current environmental data were provided to DEQ. The history was also carefully reviewed by the Elizabeth River Project before it accepted approximately seven acres for a conservation easement.

The following table lists reports and other communications by which EPA and/or DEQ were provided information responsive to this question. Peck is not submitting copies of these reports and communications with this response but will provide them to EPA upon request.

Date	Recipient	Sender	Description
30-Apr-02	Gussman	Mayfield, M.	Letter informing DEQ of grant to address stormwater and habitat enhancement at Peck site
01-May-02	Peck, B.D.	Jackson, M.M.	Letter recommending demonstration project to enhance shoreline/stormwater on western side of Peck project, indicating that ERP expected \$30,000 to \$40,000 in grant funds to be available to assist in this voluntary project

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Date	Recipient	Sender	Description
06-Nov-02	Various	Jackson, L.	Email requesting comments on attached "Project Activities Coordination Meeting for 'Return to Paradise' - Peck Iron & Metal, Timeline of Action Items." List of attendees also attached.
27-Nov-02	West, T.	Pocta, M.A.	Letter regarding Joint Permit Applications (Peck and Elizabeth River Project) for wetlands restoration project and a stormwater/wetland pond
02-Dec-02		U.S. Army Corps of Engineers	Notification that Peck's proposed activity may qualify for Nationwide Permit 39; that proposed activity may affect historical properties (Norfolk Naval Shipyard); therefore, work cannot commence until requirements of National Historic Preservation Act have been met
06-Dec-02	Greene, K.L.	Cohen, A.	VRP Application for property located at 3850 Elm Avenue
13-Dec-02	Levetan, S.L.	Mayfield, M.	Letter offering grant-funded assistance to implement ERP's recommendations for sustainable development of Peck Site. Attached is "Environmental Stewardship Recommendations, Proposed Pull-a-Part Auto Recycling Facility, Elm Avenue, Portsmouth, VA" and "Best Management Practices for the Auto Salvage Industry"

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Date	Recipient	Sender	Description
06-Jan-03		VIMS	VIMS Shoreline Permit Application Report 02-2315 recommending applicant submit formal planting and monitoring plan
09-Jan-03			Notice of Public Hearing, Wetlands Board of the City of Portsmouth - Request of The Peck Company and The Elizabeth River Project for a wetland restoration area on the property at 3850 Elm Avenue
06-Mar-03			Portsmouth City Council, Public Hearing/Planning Items. Resolution (signed by City Manager) approving with conditions Pull-A-Part of Portsmouth's proposal to operate a motor vehicle recycling facility at 3850 Elm Avenue
11-Mar-03			Portsmouth City Council, Agenda. Pull-A-Part's use permit application is on agenda
14-Mar-03	Porter, S.J.	Wetmore, D.G.	Letter stating the exception request for BMP should not be granted because it does not meet necessary requirements
02-Apr-03	Pocta, M.A.	Porter, S.J.	Letter requesting additional WQIA information for site be submitted to Department by 11-Apr-03
10-Apr-03	Haste, G.J.	Pocta, M.A.	CBLAD and City of Portsmouth need stormwater calculations and justification for the stormwater location in the RPA buffer

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Date	Recipient	Sender	Description
11-Apr-03	Hatcher, R. F.	Hannah, J.	"Benefits of Proposed Stormwater Wetland at Peck Iron & Metal Site," Bill Hunt, Advisor to the Elizabeth River Project
14-Apr-03	Porter, S.J.	Hatcher, R.F.	Letter responding to 2-Apr-03 letter to M.A. Pocta in connection with locating a BMP within the Resource Protection Area for Paradise Creek wetlands
22-Apr-03	Porter, S.J.	Pocta, M.A.	Letter withdrawing Application for Exception from consideration at the City's Planning Commission meeting on 6-May-03
22-Apr-03	Hatcher, R.F.	Porter, S.J.	Memorandum stating information the City was seeking on stormwater calculations and buffer was not submitted timely and therefore will not be considered at the Planning Commission's 6-May-03 meeting
15-May-03	Bernard, J.	Werner, S.G.	DRAFT Site Characterization - Risk Assessment Report
28-May-03	Bernard, J.	Werner, S.G.	Site Characterization - Risk Assessment Report. Attached are: results of 29-Jul-99 Hatcher-Sayre Site Characterization Study; REAMS Risk Analysis; groundwater analytical results for 5-03 sampling; 9-Jul-99 Final Scope of Work for Site Investigation at The Peck Company, Portsmouth, Virginia
18-Jun-03	Hatcher, R. F.	Bernard, J.F.	Comments from DEQ and EPA on 28-May-03 Site Characterization Report and 4-June-03 site visit

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Date	Recipient	Sender	Description
18-Jun-03	Hatcher, R.F.	Bernard, J.F.	Letter commenting on 28-May-03 Site Characterization Report and 4-Jun-03 site visit
23-Jun-03	Hatcher, R.F.	Dinardo, Nicholas	Email requesting site visit with representatives of EPA, DEQ, and Peck.
14-Jul-03	Bernard, J.F.	Hatcher, R.F.	Letter regarding 9-Jul-03 meeting with DEQ and EPA, Peck's and Pull-A-Part's commitment to locate, remove and remediate "hot spots"
04-Aug-03	Bernard, J.	Werner, S.G.	Response to DEQ's 18-Jun-03 letter commenting on Site Characterization Report and proposing a sampling program
11-Sep-03	Greene, K.L.	Peck, B.D.	Letter regarding EPA's desire to sample for dioxin contamination at site; briefly discussing previous site operations; and requesting authorization from DEQ to go forward with site remediation
15-Sep-03	Comacho, J.	Werner, S.G.	Email inquiry regarding dioxins in soil -- capping as remediation
15-Sep-03	Cooper, D.	Werner, S.G.	Email listing questions regarding dioxin Werner would like to discuss with Cooper in a 1:30 telephone conversation
22-Sep-03	Rupert, R.	Jackson, M.M.	Memorandum setting out the Elizabeth River Project's position on disputed issues concerning contamination at the Peck site
25-Sep-03	Levetan, S.L.	Bernard, J.F.	Comments from DEQ and EPA on 4-Aug-03 Response to Comments and Proposed Sampling Plan

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Date	Recipient	Sender	Description
09-Oct-03			Agenda for 9-Oct-03 Elizabeth River Project meeting
07-Nov-03	Bernard, J.	Werner, S.G.	Site Characterization Study Addendum -- describes sampling activities between Jun- and Nov-03, analytical testing results and proposed approach to site remediation; attached is 27-Oct-03 memorandum to J. Bernard from S.G. Werner presenting sediments sampling plan
18-Dec-03	Bernard, J.F.	Hatcher, R.F.	Email forwarding colloquy between J.F. Bernard and S. Hahn of NOAA regarding the Peck Property Report addendum, stormwater runoff and the buffer
30-Dec-03	Hatcher, R. F.	Levetan, S.L.	Email forwarding language regarding "Peck 20031211 Review Ltr 1" providing EPA comments and observations of the 7-Nov-03 Peck Site Characterization Report
09-Jan-04	Hatcher, R.F.	Mayfield, M	Email entitled, "Elizabeth River Partnership - Jeopardy?" in which Mayfield forwards an exchange with Don Welsh, EPA Regional Administrator
15-Jan-04	Bernard, J.	Jarvela, S.	EPA's comments on Site Characterization Report
23-Jan-04	Bernard, J.F.	Greene, K.L., et al.	Email forwarding comments and observations on the 7-Nov-03 Peck Site Characterization Report

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Date	Recipient	Sender	Description
06-Feb-04	Bernard, J.F.	Hatcher, R.F.	Email forwarding Bernard's comments to K. Greene regarding EPA's comments and concerns: QA/QC documentation and the vertical investigation area
06-Feb-04	Peck, B.D.	West, T.L., MRC	Acknowledging receipt of application seeking authorization to create wetlands and clear phragmites
13-Feb-04	Bernard, J.F.	Jarvela, S., et al.	Series of emails whereby State requests contact from EPA for Perspective Purchaser Agreement issue; EPA requests point of contact for Pull-A-Part
17-Feb-04	Bernard, J.	Werner, S.G.	Response to EPA's 15-Jan-04 "Characterization Report Review"; attached are: EPA's 15-Jan-04 letter; QA/QC reports for PCB and lead analyses for soil samples; summary of data validation performed by Draper Aden and a response by laboratory to deficiencies identified by Draper Aden
27-Feb-04	Gills, W.	Werner, S.G.	Brownfield Remediation Loan Application submitted on behalf of The Peck Company
09-Mar-04	Jarvela, S.	Bernard, J.F.	Letter stating EPA is satisfied with Draper Aden site characterization and determined the project can proceed to the remediation stage
11-Mar-04	Bernard, J.	Jarvela, S.	Letter stating EPA's position that DEQ is the lead agency for Peck site project and is committed to support DEQ as the remedial action plan proceeds

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Date	Recipient	Sender	Description
12-Mar-04	Hatcher, R. F.	Bernard, J.F.	Email colloquy at DEQ regarding Peck's Brownfield's loan application
26-Mar-04	Peck, B.D.	Gills, W.A.	Letter notifying Peck the SWCB approved Brownfield Remediation loan in the amount of \$960,000 contingent upon satisfactory credit analysis by the VRA.
16-Apr-04	Bunker, K.	Bernard, J.F.	Email regarding Bunker's assignment as EPA's project manager of the Peck site.
22-Apr-04	Bernard, J.	Bunker, K.	Email requesting DEQ to instruct Peck to submit a self-implementing PCB cleanup plan that complies with 40 CFR 761.61(a)
07-May-04			One page synopsis of Peck Recycling Co.'s history
11-May-04	Welsh, D.S.	Werner, S.G.	Letter enclosing Peck's "Self-Implementing PCB Cleanup Plan"
18-May-04	Hatcher, R.F.	Jarvela, S.	Email stating Jarvela hasn't scheduled trip, but will send access form for owner to sign
15-Jun-04	Werner, S.G.	Bernard, J.F.	Email responding to S. Werner's interpretation of 40 CFR section 761.61 in connection with the Self-Implementing PCB Cleanup Plan. Email also discusses wetlands sampling
16-Jun-04	Baldwin, Bob	Jackson, L.	Email requesting a meeting with Baldwin and/or other City of Portsmouth representatives to discuss the City's concerns or needs in order to move forward with Elm Avenue remediation

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Date	Recipient	Sender	Description
22-Jun-04	Peck, B.D.	Burke, J.J.	EPA's comments on Peck's Notification and Certification, dated 11-May-04, provided pursuant to requirements of the Self-Implementing On-Site Cleanup and Disposal of PCB Remediation Waste Regulation
27-Jun-04	Peck, B.D.	Jarvela, S.	Fax cover sheet attaching access agreement; Jarvela will contact Hatcher to schedule site visit
28-Jun-04	Peck, D.B.	Jarvela, S.	Letter stating EPA wants to conduct sampling at Peck site's wetlands and shoreline along border of property and Paradise Creek. Also attaches Property Access Agreement
29-Jun-04			DRAFT "Sampling and Analysis Plan for the Peck Iron and Metal Site, Portsmouth, Virginia" prepared for EPA by Tetra Tech
29-Jun-04			EPA Region III "Property Access Form" granting EPA and members of response team access to The Peck Company Site to collect samples for PCB and metals analysis
13-Jul-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 22-Jun-04 letter to B.D. Peck from J.J. Burke regarding deficiencies in Self-Implementing PCB Cleanup Plan; attached is Revised (12-Jul-04) Site Characterization and Self-Implementing PCB Cleanup Plan

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Date	Recipient	Sender	Description
28-Jul-04	Bunker, K.	Peck, B.D.	Memorandum regarding Peck's former operations at Portsmouth site.
28-Jul-04	Bunker, K.	Werner, S.G.	Email attaching a historical summary of Peck's activities at Elm Avenue which were included in 11-May-04 cover letter to Self-Implementing Cleanup Plan
28-Jul-04	List	Bunker, K., EPA	Email giving status on cleanup plan -- still reviewing amended plan EPA received on 14-Jul-04
16-Aug-04	Hatcher, R. F.	Bernard, J.F.	Email stating Levetan indicates Pull-A-Part is very determined to purchase property
20-Aug-04	Hatcher, R. F.	Bernard, J.F.	Email regarding status of Elm Avenue VRP project
23-Aug-04	Ward, K.	Bernard, J.F.	Email stating Elm Avenue project is moving forward
26-Oct-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 15-Oct-04 communication regarding Self-Implementing PCB Cleanup Plan; attached is Revised (22-Oct-04) Site Characterization and Self-Implementing PCB Cleanup Plan
16-Nov-04	Baldwin, R.A.	Barclay, R.C.	Letter Application for Extension of Use Permit 03-01 by Pull-a-Part of Portsmouth, LLC to operate a motor vehicle recycling facility at 3850 Elm Avenue, owned by The Peck Company, Peck-Portsmouth Recycling Co.
19-Nov-04	Peck, B.D.	Burke, J.J	EPA's response to Peck's Revised Notification and Certification, dated 25-Oct-04

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Date	Recipient	Sender	Description
01-Dec-04			Chronology of Primary Activities - Proposed Pull-A-Part, Inc. Site - Elm Avenue, Portsmouth, VA
22-Dec-04	Hatcher, R.F.	EPA, DEQ	Confirming 5-Jan-05 meeting to discuss options available under TSCA and/or CERCLA to move forward on remediation of the Peck site
05-Jan-05			Attendance list of meeting
05-Jan-05			Draper Aden, "The Case for Self-Implementing Site Remediation, Peck Property, Portsmouth, VA," presentation to EPA
20-Jan-05	Peck, B.D.	Webb, J.	Letter proposing that Peck amend its 22-Oct-04 self-implementing cleanup plan to include certain conditions and sampling plans
26-Jan-05	Welsh, D.S.	Werner, S.G.	Letter addressing conditions set out in EPA's 20-Jan-05 letter for self-implementing cleanup plan
01-Feb-05	Peck, B.D.	Webb, J.	Letter approving 22-Oct-04 self-implementing cleanup, subject to conditions set out in EPA's 20-Jan-05 letter
23-Feb-05	Ward, K.	Bernard, J.F.	Email colloquy regarding EPA approval of project; inquiry regarding interest rate for Peck's loan
28-Jun-05	Webb, J.N.	Peck, B.D.	Letter notifying EPA, et al. that Peck is going to stop conducting the PCB cleanup plan
15-Oct-05	Peck, B.D.	Burke, J.J.	EPA's response to Peck's Revised Notification and Certification, dated 13-Jul-04

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Date	Recipient	Sender	Description
07-Dec-05	Sturgeon, R., EPA	Peck, B.D.	Memorandum setting out reasons for withdrawing self-implementing cleanup plan, conclusions of risk assessment, and proposed "closure" plan
08-Dec-05	Peck, B.D. & Gant, Rene	Sturgeon, R.	Response to Peck's Dec-05 letter

8. *Provide information regarding modifications made to the property, including, but not limited to, areas of fill, areas where the topography was modified, areas of burial and/or dumping, and areas of construction and/or demolition.*

RESPONSE:

Peck demolished a building at the entrance to the property at 3500 Elm Avenue in response to a demand by the N&P Beltline. In addition, part of the former Proctor & Gamble masonry building near that entrance was demolished within the last ten years.

Inert material was dumped on the site by various contractors during the past ten years. If trash or suspect material was found, contractors were employed to remove the material for disposal at a landfill. Able Body Demolition spread inert concrete, asphalt, and soil on the property during the past few months. Any suspect soil or other material was to be placed in the area of the buildings where scrap metal processing operations once occurred.

Please also see the response to question 3 above.

9. *Provide all information on the current and recent use of the Site including actions such as, but not limited to, the storage of soils, material or equipment, or modification or movement of soils or sediments located on the Site.*

RESPONSE:

Please see the answer to question 8 above. In addition, during 2005, Able Body Demolition excavated certain areas of soil, moved the materials to the former operations area, and subsequently covered the area with inert materials. Able Body personnel were warned of the

**HUNTON &
WILLIAMS**

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nature and potential danger of the excavated soil and were instructed about where on the property the soil should be placed.

10. *Provide the names, titles, areas of responsibility, addresses and telephone numbers of all persons that worked at the Site for longer than three years.*

RESPONSE:

Stanley Peck and Aaron Peck worked at the property for a period of time until the early 1990s. Their current addresses and phone numbers are:

Stanley J. Peck

[REDACTED]

Aaron M. Peck

[REDACTED]

Personnel records from the period of active site operations were not retained.

11. *If you have any information about other persons/entities who may have information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the person's entity's name, address, type of business, and the reason(s) why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.*

RESPONSE:

Peck has no additional information responsive to this question.

HUNTON &
WILLIAMS

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Please contact Roger Hatcher or me if you have questions about this response to the Information Request.

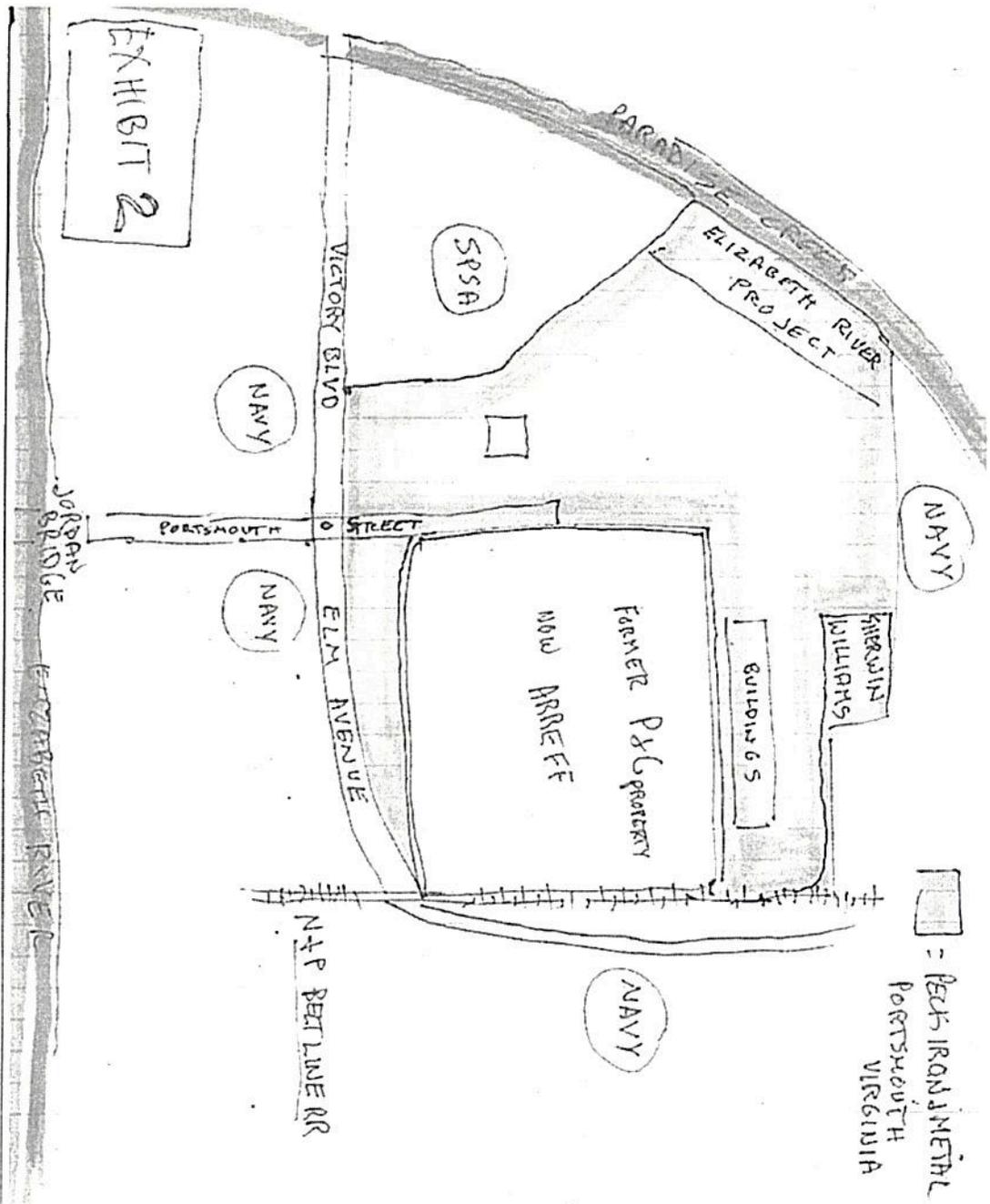
Yours truly,



Dan J. Jordanger
Counsel to The Peck Company

Enclosures

cc: Mr. B. David Peck
Roger F. Hatcher, Ph.D.



[Square Symbol] = PEAK IRON MINE
 PORTSMOUTH
 VIRGINIA



Draper Aden Associates

Engineering • Surveying • Environmental Services

8090 Villa Park Drive
Richmond, Virginia 23228
(804) 264-2228 • Fax: (804) 264-8773
daa@daa.com • www.daa.com

Ey 3

May 11, 2004

Mr. Donald S. Welsh
Regional Administrator
U.S. EPA -- Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Self-Implementing PCB Cleanup Plan
34-Acre Site, Elm Avenue
Portsmouth, Virginia
DAA Project # R03186-01

Dear Mr. Welsh:

This Self-Implementing PCB Cleanup Plan is submitted on behalf of The Peck Company, Richmond, Virginia for the above referenced property. This property has been in the Virginia Department of Environmental Quality's Voluntary Remediation Program for more than a year and we are anxious to return this inactive property to productive use. The remaining issue that has stopped progress on this project concerns PCBs and thus, the reason for submitting the attached Plan.

The site meets all of the criteria for the self-implementing procedures and we believe that the Plan addresses all of the requirements of 40 CFR § 761.61. Prior to reviewing the plan, it is important that EPA understand the history of this property, which is summarized below by the owner, The Peck Company.

Peck Recycling Co., Inc. bought, sold, and processed metal scrap for fifty years from different locations. The metal came from industrial plants, farms, auto parts yards, Federal Government (e.g. military bases); State (e.g. Highway Dept.) and Local (e.g. Police Dept.) agencies.

The metal scrap was purchased after several careful inspections. Trained inspectors looked at the material at the sellers' operation, upon arrival, when weighed, when unloaded, when processed, when stored, and when shipped. Upon being unloaded it was visually, if not manually separated into more than 40 different categories.

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The material was checked for radioactivity. Rejections were immediate if any hazardous or toxic material or substance were suspected. For example, 150,000 lbs. of material from a military base were rejected when the base could not definitely identify the liquid in the containers; DuPont had to take back 55-gallon drums when Peck was not satisfied with the stenciled markings on the containers; a railroad tank car from Allied Chemical was not accepted when Peck inspectors detected a noxious odor; Philip Morris (e.g. engines with lubricant drippings) material rejected; etc.

Transformers were not accepted from any sellers with the sole exception of a company that processed them. It removed the laminated steel, wires, copper and oil; then it triple rinsed them before delivery.

The Peck Recycling Company's primary concerns were its employees, its customers (the buyers), and its facilities and grounds. Its record is plain to see. None of its hundreds of employees ever reported or complained of handling or being affected by any hazardous or toxic material. Not one of the thousands of consumers ever reported or complained about discovering any substance that might be hazardous or toxic. Every buyer was very carefully looking for PCB, benzene, heavy metals, hydrocarbons, asbestos, and any attachments or substances that might cause problems.

The continuous training of all Peck employees as inspectors and material handlers had clear results. Peck regularly received a rebate of 25% from its insurance carrier for its extraordinary safety record and procedures. Note that every month Peck handled (i.e. received, unloaded, processed, stored, shipped) more than 100 million pounds of metals.

It is also noteworthy that Peck's operations were in five different cities covering more than 120 acres (Eastern Shore, Danville, Woodford, Portsmouth, Richmond). Upon the sale of the Peck operations in 1997, the properties were closely examined. More than \$100,000 was spent in Phase II activities by independent environmental groups. The only PCB discoveries were on less than 1% of the property although 95% of the properties were used in operations. And the 1% area was where material from military bases was processed until 1969.

The property owner, The Peck Company, and the prospective purchaser/developer, Pull-A-Part, Inc. have responded to all of the EPA and DEQ requests and unfortunately, feel that progress has again been delayed. EPA's prompt review and approval of this Plan is greatly appreciated.

Mr. Donald Welsh
U.S EPA - Region III
May 11, 2004
Page 3

Any questions concerning this closure plan should be directed to either Dr. Roger F. Hatcher (804-492-9458) or me (804-261-2937).

Sincerely,
DRAPER ADEN ASSOCIATES



Stephen G. Werner, P.G.
Director of Environmental Services

Attachment (2)

cc: Dr. Roger F. Hatcher
B. David Peck
James Bernard, DEQ
Steven L. Levetan, Pull-A-Part, Inc.

1 looked at, yes.

2 Q And did you look at any aluminum?

3 A No, sir, I don't recall. I don't remember--no, I
4 don't recall.

5 Q So you don't know whether aluminum is collected
6 in a different area?

7 A No, sir, I don't.

8 Q You don't know that?

9 A No.

10 MR. LOWDEN: That's all.

11 ARBITRATOR ABLES: All right, you are excused as
12 a witness, Mr. Spence. Resume your position as a member
13 of this Arbitration panel.

14 (Witness stood aside.)

15
16 B. DAVID PECK was sworn, and testified in
17 behalf of Association, as follows:

18 DIRECT EXAMINATION

19 BY ARBITRATOR SPENCE:

20 Q Mr. Peck, would you state your full name,
21 please?

22 A Barry David Peck.

23 Q And how are you employed, Mr. Peck?

24 A I'm the Vice President-General Manager of Peck
Iron & Metal.

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Q. And how long have you been employed with Peck?

A. About 12 years.

Q. How long has your corporation been in business,
Mr. Peck?

A. Little over 25 years.

Q. Could you list for us some of the customers that
you deal with, in your business?

A. Customers that we generally deal with, talking
about under contract, include Reynolds Metal Company, Bethlehem
Steel, Ford Motor Company, General Motors. These are people
that we have on generally long term contracts. And, for instance,
Reynolds Metal, we may handle several million dollars a year,
just with their material. And I could name a number of other
companies, if you like me to.

Q. Have you done business with Vepco?

A. Yes, we have.

Q. How long has it been since you have done business
with Vepco?

A. I think it's probably been since the time of this
situation.

Q. Do you know approximately how long that is?

A. Since January of this year.

Q. Can you tell us why you no longer are doing
business with Vepco?

1 A. Vepco alleges that we owe them money for material
2 that we picked up. And we offered to pay for the material
3 upon receipt of any documentation or evidence that we picked up
4 this material.

5 Q. All right, sir. Mr. Peck, I'm going to show you
6 a copy of a document that's already been introduced as
7 Association Exhibit A. I will ask you if you have seen this
8 document before, and see if you can identify them?

9 A. This I have seen before. These were the invoices
10 that were originally sent to us, I believe.

11 Q. Particularly pertaining to Sheet 2 of this
12 document, could you tell me how you came to have it in your
13 possession, or where you saw it before, if you recall?

14 A. You mean who sent it to me?

15 Q. Yes.

16 A. This was sent to me by Vepco.

17 Q. Did you get this in a letter from Vepco, or did
18 someone bring it to you, or how did you obtain this? Do you
19 recall?

20 A. I really don't recall. I think it was sent in a
21 letter, I'm not sure.

22 Q. But it was sent to you from Vepco?

23 A. Yes.

24 Q. All right, in this statement that you got, it

1 lists a value which Vepco contends you owe them for scrap
2 material that you received, does it not?

3 A. Right.

4 Q. All right, is this the amount that today Vepco
5 contends you owe them for scrap received, that you have not paid
6 for the material, or has that been altered?

7 A. We did get an amended bill, yes.

8 MR. LEVIT: We are going to offer as Association
9 Exhibit P, a letter dated May 13, 1971, signed by C. R.
10 Goode, Director of Accounting Services at Vepco, with
11 a second sheet attached to it, which apparently represents
12 an amended bill.

13 (A copy of a letter and invoice from C. R. Good
14 of Vepco to Peck Iron & Metal Co., dated 5/13/71, was
15 marked Association Exhibit P for identification.)
16

17 BY ARBITRATOR SPENCE:

18 Q. We hand to you Exhibit P for the Association, and
19 ask you if you will identify that, please?

20 A. We received this subsequent to the first one.
21 This was our amended bill, as I recall.

22 Q. Now, could you tell us why you received an amended
23 bill from Vepco; why the original bill was incorrect?

24 A. Well, the original bill was incorrect, and the

1 amended bill was incorrect. There were a number of conversations
2 between Vepco and ourselves, and our efforts were directed
3 toward getting something more substantive, that we could base
4 our payment upon, and what we got instead was conversation.
5 And we got differing opinions, and differing questions and
6 an exchange of phone calls, but the net result apparently
7 was an agreement between Mr. Sykes—I don't know if it was an
8 agreement, but Mr. Sykes apparently was convinced that they had
9 been wrong in their original valuation of the value of the
10 street light heads.

11 Q. In other words, what you are saying, the original
12 bill, Vepco billed you for the material received on January 5th
13 as being all aluminum and later they found it was not all
14 aluminum, so they sent you an amended bill?

15 A. Well, I mean if I could expand upon it? I
16 don't know how far you want me to go. We are talking about two
17 different items here. We are talking about street light heads,
18 and they have made an allowance for that.

19 Q. Right.

20 A. Obviously, also in this bill, the largest number
21 of dollars are concerned with two trailer loads of aluminum.
22 Now the two trailer loads of aluminum are, of course, the most
23 significant from our point of view, because we know that these
24 never existed. And what particularly distressed us was I

C. OVERTON LEE
NIGHTMARE REPORTERS
MUTUAL BUILDING
RICHMOND, VA. 23219

Peck-direct

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called Mr. Sykes to come over to our plant--I mean to--do you want me to proceed with this whole thing? I just don't know the procedure here? To discuss the bill, or the amount of money in question. He came into my office with Mr. Robbins, I believe, and I believe Mr. Good. although I'm not sure if Mr. Goode was there to discuss this matter.

At that point, we had received no paperwork, and this was, I believe, the end of March, or sometime at that point, maybe in April. After fumbling with his papers and I had all of our papers in front of us, and all of it was available to him--I said, "Now just tell me which trucks. Here we have a list of all the trucks that picked up material; which were the trucks that had aluminum, that you are alleging had aluminum," and again he is fumbling and fumbling, and then he makes the observation, "Well, I have picked these two trucks because I'm trying to save you money. These are the lowest of these other weights." I said, "You mean you are arbitrarily picking two trucks?" He said, "Yes, I'm doing you a favor. We know you got two trailer loads of aluminum, but these two..." pointing to something like 14,000 pounds one had and another had 12,000 pounds. I said, "I'm not interested in saving money. Do you have something to verify this?" No, these were arbitrarily picked, that was his comment, to save us money.

I said we are not interested in that, but what

1 about the street light heads? I said, "What did you see in the
2 street light heads?" He said, "Well, we saw some coils of
3 wire." Do you want me to go on? I mean--

4 BY MR. LOWDEN:

5 Q. Please explain the full story to the Arbitrator,
6 that's what we want.

7 A. So I'm asking what else, what is the matter with
8 the street light heads? The street light heads had the coils
9 of wire and aluminum. "Did they have three pounds, ten pounds,
10 how much was in there?" "No." "Half full? quarter full?"
11 He said, "No, we saw some in there." I said, "Did you also see
12 some porcelain in there, and other no-value stuff in there?"
13 He said, "We were looking for copper, I just happened to notice
14 them there." "If that's what you want to bill us for, bill us
15 for street light heads," I said, "I don't know what value you
16 put on them, but as far as I'm concerned they were part of
17 what was there when I inspected the material."

18 They have always been included with the iron and
19 steel, subsequent to this. We know the street light heads have
20 traditionally been put in the iron and steel. They were right
21 alongside when I went to inspect the material; the bins were
22 overloaded, and right alongside of them were these containers of
23 street light heads.

24 I know in Norfolk, which I'm a little more familiar

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POINT

1 with, the street light heads were included with the iron and
2 steel. Street light heads, you are talking about an item
3 maybe 50, 60 percent aluminum and the balance has iron in it.
4 I know the containers holding the street light heads also
5 contain like steel meter boxes. I don't know the technical
6 term for them. They contain porcelain, wood and all types of
7 trash. It's a standard item.

8 I know I inspected the bins and I bid a dollar
9 a ton for 2,240 pounds of this material. I didn't want them.
10 It was a token bid. It was about the lowest I could bid, to
11 have some representation there. I know we were not awarded the
12 material. The material was awarded to a company in Philadelphia
13 and this company in Philadelphia has a subsidiary in Chesapeake,
14 Virginia. The people in Chesapeake contacted us and asked
15 would we take the material over for them for \$8.00 a ton?
16 Their Portsmouth office called me, I said, "I'm not interested
17 in taking it over for \$8.00 a ton; I'm not interested in taking
18 it at all, unless we got the other items on the list." Just
19 to go pick up the scrap iron with the street light heads, I
20 wasn't interested.

21 A later call came from Portsmouth. They were not
22 interested in giving it to us for what we bid on it. Anyway, to
23 make a long story short, they came up and inspected it themselves--
24 the people came up and said, "You are right, take it for nothing.

1 Just take it to help us get the material out of there."

2 It was only under duress and specific instructions
3 of our people in Portsmouth acting for the people in Philadelphia
4 that we even--Metal Bank is their name--we even took the material.

5 We brought it in on the 5th, put it in the front
6 of the yard and it stayed there for several days; and it was
7 put over in a special part of our yard to be sheered up. We
8 have a small sheer in this particular section of the yard, where
9 you cut up this material and handle it in a certain way. It's
10 a dog of an item. This material has to be handled by hand
11 and picked through. It's difficult material to go through.

12 Each day I suspect we could go through their bins
13 of scrap iron and in the same bins you would see aluminum, copper
14 in there, plus stuff that has traditionally poor value. In
15 any event, I'm getting back to Mr. Sykes in my office. He is
16 evaluating the price of street light heads at 18 cents a pound.
17 The price is ridiculous; it would generally bring four, five
18 cents a pound, if it was all clean and sorted, and that
19 particular market, it could be less than that, as far as I'm
20 concerned. He put a value of 18 cents a pound, like a clean
21 primary grade of aluminum ingot, or something like that, he
22 evaluated the street light heads.

23 I told Mr. Sykes at the meeting, I thought his
24 allegation was wrong. I told him his values on the street

1 light heads was wrong, and as far as I was concerned, I would
2 still like to have some better information.

3 Subsequent to that, he had conversation with our
4 Portsmouth office. He had conversation with me. Some of these
5 were followed up by letters that were incorrectly reporting what
6 had transpired during the conversations, and at the end of
7 this situation, we finally get a billing, when I tried to pin
8 him down to specific trailers and so forth--I think it's
9 extremely significant that as we had additional meetings with
10 him, and in the meeting with Mr. T. Justin Moore, the President
11 of Vepco, in every subsequent meeting their information became
12 more detailed; the percentages became more conclusive; their
13 license numbers, the identification even became more specific, but
14 the original meeting, and that man sat down here with me--I
15 don't see Mr. Robbins here, but he was here with Mr. Sykes.

16 And at our meeting he admitted, as I'm telling you
17 now, they arbitrarily picked two loads to save us money. He had
18 no more thought of those two trailers of aluminum than the man
19 in the moon. Now as I say, we have had occasion to talk to him
20 subsequently, and more and more, as we talked to him he became
21 more and more specific.

22 Q. Mr. Peck, I hand you a copy of a letter from you,
23 and this will be Association Exhibit Q.

24 ARBITRATOR ABLES: If there are no objections, we

1 will accept Association Exhibit O in evidence.

2 MR. LOWDEN: No objection.

3
4 (A letter from Peck to Sykes was received in
5 evidence as Association Exhibit Q.)

6 BY ARBITRATOR SPENCE:

7 Q. I ask you to identify this letter, if you have
8 knowledge of it?

9 A. This is the letter that I sent to Mr. Sykes, and it
10 says, of course, it just notes that the first communication we
11 got from their office was on April 29th, and it states our
12 position, that we are prepared to pay for anything we took from
13 them, but the only thing we would like to have is some better
14 information.

15 Q. Okay, now Mr. Peck, I now hand you a document,
16 copies of documents which the Association will introduce as
17 Exhibit R, and we would like to number these sheets as we go
18 down.

19 Now the first sheet being a weight ticket, and it
20 is marked by number, serial No. A36114; it has the words "Peck
21 Iron and Metal Company" on it. It's dated 1-6-71.

22 The second sheet will be R-2, weight ticket
23 serial No. A36115, dated 1-6-71. This also has the words "Peck
24 Iron and Metal Company."

1 R-3, weight ticket, serial No. A36116, marked
2 "Peck Iron and Metal" dated 1-6-71.

3 The next sheet will be R-4, a weight ticket with
4 serial No. A36117, marked "Peck Iron and Metal Company" dated
5 1/6/71.

6 R-5, weight ticket, serial No. A36118, "Peck Iron
7 and Metal Co." dated 1/6/71.

8 And R-6 is weight ticket No. A36121. And your
9 "1" on the end of that may be blurred in some of these copies.
10 If so, we can produce the originals to these, and we will
11 produce them for verification if necessary.

12 ARBITRATOR ABLES: I assume it's not important,
13 but that date looks like 1/6/70.

14 MR. LEVIT: Yes, sir, it's '71, just an error.
15 The next sheet will be marked R-7, and on one side of
16 this sheet it has weight ticket serial No. A36122, "Peck
17 Iron and Metal," dated 1/6/71.

18 The next sheet will be marked R-8; it's weight
19 ticket No., serially numbered A36123, "Peck Iron and
20 Metal, 1/6/71. And the last sheet will be marked

21 R-9, and it's weight ticket, serial No. A36125.
22 And again the 5 was left off, but we will have the originals.
23 produced, if necessary, and this is marked "Peck Iron
24 and Metal," dated 1/6/71.

1 (A copy of each of nine Peck Iron and Metal
2 Company weight tickets were collectively marked as
3 Association Exhibit R, pages 1 through 9 for identification.)
4

5 BY ARBITRATOR SPENCE:

6 Q. Now, Mr. Peck, I ask you, are these duplicates of
7 weight tickets that your company makes up on materials that you
8 receive on trucks that you haul this material in on?

9 A. Yes.

10 Q. I notice that these weight tickets are serially
11 numbered, in order; is that the way, the order in which this
12 material is received by you?

13 A. Yes.

14 Q. Mr. Peck, you are familiar with all of the
15 incidents involved in this case, we have discussed it before, so
16 I will go right in into the question concerning this.

17 Mr. Cole, who testified on behalf of the Company
18 earlier, stated that on January 6, 1971, your truck, marked No.
19 3, hauled only two loads of materials from the Vepco yards to
20 the Peck yards on that date. Now the Exhibit R that has just
21 been introduced by the Association, on examination we will find
22 your Truck No. 3 did in fact haul three loads of material from
23 the Vepco salvage yard, and I would like to verify these loads,
24 if you will. If you will look at R-3; was that your weight

1 ticket, identified by you as the load hauled by your Truck No.
2 3 on that day? This is R-3.

3 A. Yes, this would be Truck No. 3.

4 Q. All right, how do you know that's Truck No. 3,
5 Mr. Peck?

6 A. Well, it looks like our scale master made a
7 notation on the top right, "No. 3" there, and that would generally
8 indicate the tractor number that came in.

9 Q. That number on the corner indicates the tractor
10 number?

11 A. Right. We have written on the tractor different
12 numbers.

13 Q. All right, I ask you to look at R-5.

14 A. That apparently is the same thing.

15 Q. In other words, this indicates to you this is
16 Tractor No. 3?

17 A. That is Tractor 3.

18 Q. That's the second load?

19 A. Right.

20 Q. I ask you again to look at Exhibit R-7.

21 A. Right.

22 Q. Is that your weight ticket, identifying the
23 proper truck?

24 A. That appears to be Tractor No. 3 also.

1 Q. Okay, so then you will verify and testify that on
2 the particular day in question, January 6th, your truck No. 3
3 did in fact haul three loads of material from the Vepco
4 premises to your office?

5 A. I would say it did.

6 Q. All right, sir, now Mr. Peck, the main controversy
7 concerning these loads of material which were hauled on the 6th,
8 the Company has contended, as you know, that you received four
9 loads of aluminum instead of two loads which you contend that
10 you received; therefore placing charges against Mr. Wally for
11 misclassifying materials, in that he classified two of these
12 loads as scrap iron and metal.

13 By previous testimony given, it has been established
14 the two loads in question, by the Company, are aluminum loads
15 which left the Company premises, and the Association Exhibit 2
16 specifies these two, and they have been agreed to by the
17 Company investigators as loads leaving at 9:25 a.m., in the
18 morning was a load of aluminum which they claim Mr. Wally
19 classified as scrap iron and steel. They also claim the truck
20 leaving at approximately 2:30 in the evening was loaded with
21 aluminum, which Mr. Wally classified as scrap iron and steel.

22 Now, of course, the Company also states in here
23 that their tickets are not serially numbered, so they have no
24 method by which weight tickets--by which to determine

1 in which order which truck came in or left this property, by
2 weight tickets. They relied on a witness who observed these
3 trucks and what have you.

4 Your weight tickets, of course, are serially
5 numbered, and you verified the way these trucks leave and
6 return to your property by this number?

7 A. Not exactly. They would leave perhaps in a
8 different sequence; this is only the way they come in. In other
9 words, they are not marked as they leave. We may have three
10 going over there, but this would be the order that they come
11 across our scales.

12 Q. You say they come in in this order?

13 A. When they come in and are ticketed, it would
14 be in sequence.

15 Q. All right, I call your attention to, and you will
16 verify then, that as these trucks come in, loaded with this
17 material, they are, at that time, designated a serially numbered
18 weight ticket?

19 A. That is correct.

20 Q. Okay, I call your attention to the Association
21 Exhibit R-1, and I also refer to the Association Exhibit A,
22 sheet 2, and refer again to Mr. Cole's testimony that they
23 witnessed the first truck of the day, on January 6, 1971,
24 leaving this property containing aluminum material. The letter

CBI ORIGINAL

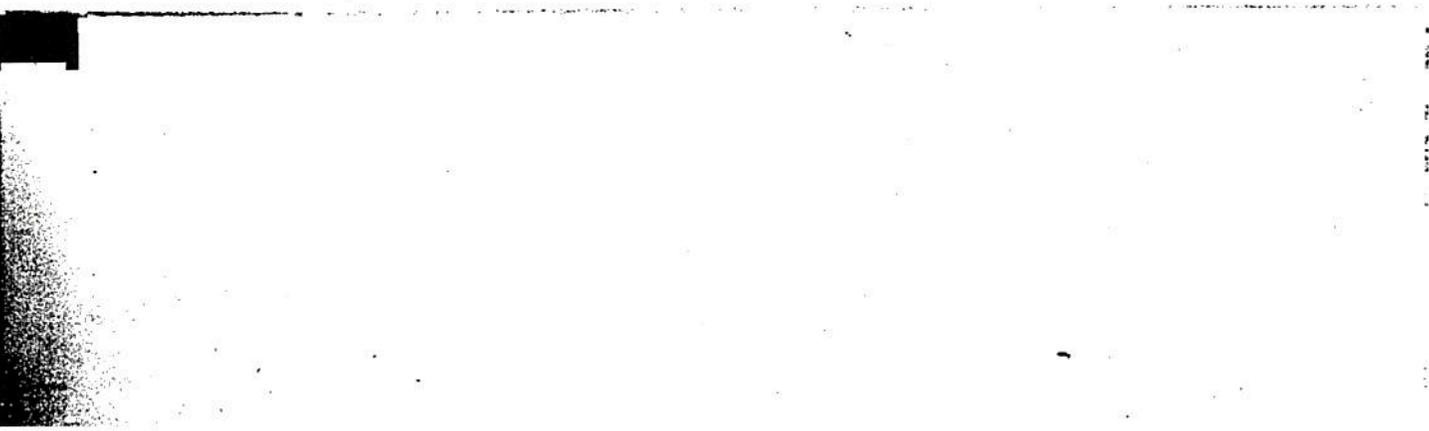
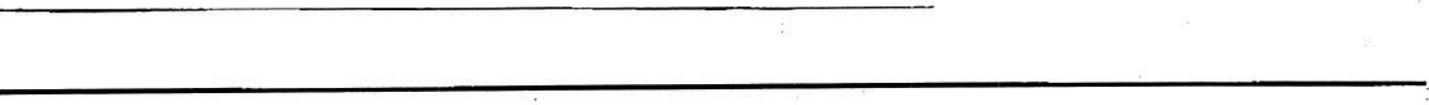
1 also states that a vehicle leaving on January 6th at 9:25 a.m.
2 we have established to be the first truck of the day, in
3 corroboration with the Company's testimony, contained aluminum.
4 And I show to you Exhibit R-1 of the Association, and, Mr.
5 Peck, I will ask you to read this ticket; it's your ticket.
6 Give me the weight and the type of material contained on
7 that ticket?

8 A. It appears that on this Ticket R-1 that the first
9 trailer had aluminum on it; it's marked "Aluminum". It shows
10 a gross, tare, net weight, under the price column it has a
11 number 12½ that would indicate twelve and a half cents a
12 pound. That would indicate this would be the aluminum that
13 was purchased and picked up. It was purchased on an
14 additional contract to the iron and steel and so forth, and
15 that this would be the aluminum we bought, I think a 12,000
16 pound load, we paid 12 and a half cents a pound for. Underneath
17 that, there is an additional figure of 3520 pounds, under that
18 it says "Wood pallets and steel bins." I would suspect that
19 this aluminum came in in some sort of pallets, and that would
20 be the tare weight of those pallets, so that was deducted from
21 the net weight on the ticket. The net weight on the ticket was
22 actually a gross, so the actual figure at the bottom would
23 indicate the amount of aluminum that came in on that truck.

24 Q. Now, in accordance with Mr. Cole's testimony



This is The Lead
 An Robbing identified
 As Plum. "Said As
 Snap 1954" in the
 meeting I keep
 referring to—



1 earlier, in paragraph 2 of the Association Exhibit A, Sheet 2
2 they refer to Truck No. 3 leaving the yards at 2:30 in the
3 afternoon, and the Company has testified that witnesses saw
4 that this particular truck contained aluminum material, and
5 that once again this truck had been marked by Mr. Wally as
6 scrap iron and steel.

7 With relation to that testimony, I call your
8 attention to Association Exhibit R-8. Now this particular ticket,
9 of course, is serially numbered, as you have testified, these
10 trucks come in in this order. This is the 8th serially numbered
11 ticket of the day, 36123, which would indicate this truck came
12 in sometime in the evening, and we are basing this on the
13 fact the loading time of each individual truck, and what have
14 you, depends on the material and takes different times, but
15 would you identify this ticket as the ticket made out by your
16 company, and again read the contents of this ticket, please.

17 A. Looking at the sequence of tickets, this would
18 be the next to the last load of the day. This would indicate
19 this was the contract on that aluminum, the first load that
20 came in at the beginning of the day.

21 Q. This is the load Mr. Cole testified to himself
22 was the next to the last load of the day. This is also the
23 load, is it not, Mr. Cole, Mr. Sykes, Mr. Robbins and Mr. Hall
24 came over to your yard and had you dump into the yard?

1 A. That's exactly right.

2 Q. At the time it was dumped in your yard, were you
3 aware it was aluminum at this time?

4 A. No question about it.

5 Q. You knew it was aluminum; your driver knew it
6 was aluminum?

7 A. Ticket was marked "Aluminum".

8 Q. The Company also contends this is one of the
9 loads Mr. Wally's ticket described as iron and steel. The
10 tickets will show, the Association is in agreement, the
11 first truck that went out approximately 9:25 did in fact include
12 aluminum material, and going through these tickets, again we
13 will agree with the Company the load going out at approximately
14 2:30 in the afternoon did in fact contain aluminum. We do
15 disagree, however--

16 ARBITRATOR ABLES: Well now you are arguing, Mr.
17 Spence. Do you have any other questions of Mr. Peck?
18 That is argument you will make, I suspect, when you
19 put your case together in your brief.

20 Q. Okay, Mr. Peck, on this particular load that the
21 Company officials had you dump in your yard on January 6th, it
22 contained aluminum wire, in addition to aluminum bus and pipe.
23 When you bid on this particular material, did you have an
24 opportunity to go to the Vepco salvage yard and inspect this

1 material?

2 A. Yes.

3 Q. When you looked at this material on the Vepco
4 yard, did you see any wire in this material at that time?

5 A. There was some wire.

6 Q. In other words, when you looked at it and bid
7 on it, the wire was in the pallet of aluminum that you bid on?

8 A. Right. There may have been wire in addition.
9 The pile that I inspected, the 12,000 pounds, had wire in it.

10 Q. Was it to your knowledge, was this aluminum wire?

11 A. Yes.

12 Q. It was aluminum wire, and it was mixed in with the
13 aluminum pipe and bus?

14 A. Yes.

15 Q. All right, to your knowledge, referring back to
16 the loads delivered to you on January 5th, the wood bin pallets;
17 had the Company ever delivered to you before, material in
18 wood bin pallets, or metal containers?

19 A. Yes.

20 Q. In other words, this is not unusual practice at
21 all?

22 A. No, and we return the pallets to them for a tare
23 weight trade-in.
24

ARBITRATOR ABLES: I may have missed something at

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the beginning. Mr. Peck, how long had you been doing

business with the Peck family of over years?

BY WITNESS: I have only dealt with Peck since
for about 12 years, but to my knowledge, we have been
doing business with Veeco for more years than that.
Many, many years we have been doing business with Veeco.

ARBITRATOR ABLES: All right, thank you.

BY ARBITRATOR SPENCE:

Q. All right, Mr. Peck, on January 5th the loads
of street light heads in the wood bin pallets that were delivered
to you, and left on your property; did any of the Company
personnel inspect these street light head bins, either on that
date, or at a later date?

A. You say "Company," do you mean Veeco people?

Q. Yeah, Veeco personnel--the wood bin pallets.

A. You are talking about the pallets of street
light heads, is that correct?

Q. Right.

A. I saw people going over to the street light heads.

Q. What date was this?

A. On the 5th--no, it must have been on the 6th.
On the 5th, to my knowledge, nobody inspected them. Is that
what you are asking?

Q. On the 6th, they were inspected?

1 A. Now I have to clarify the word "inspection"
2 because that's what I do all the time, is inspect material,
3 They were--if you have the picture, I think I could indicate
4 better. I think it would give you a better idea what we are
5 talking about, because I think this is significant.

6 Material comes into the yard--when street light
7 heads come into the yard, they are to be processed in a certain
8 place on the yard. This is the front of our yard, in plain
9 view. They weren't handled on the 6th, to my knowledge, and not
10 even on the 7th--maybe even later than that. This was left in
11 the front. They are brought into an area in the front that
12 was congested. It's always congested the way our plant is
13 laid out.

14 They were--it's an odd item, a "bastard" item, we
15 get to when we have time to sheer it up. It's put in a narrow
16 area, and for economy of space, you have to put the
17 boxes close to one another, conserving space and we have to
18 clear the way for trailers to come in the next day. But besides
19 that, there is a road we have to keep clear. Also the sheer is
20 right there and the billing press is right there. On the day
21 Mr. Sykes and the others came in, the trailer was also right in
22 the front of the yard, with the aluminum they saw, the street
23 light heads, again in the front of our yard, in plain view.
24 They walked over to them. They didn't walk down--some may have

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walked down one or two and they looked around them. As far as inspecting, when I go out to inspect material, you have to physically look into everything you are buying, because you are talking about a lot of dollars. These were boxes that had shields in the top of them, in order to inspect them they would have had to ask us for a forklift, because they are put in with a forklift, and pushed together. If they didn't ask for a forklift, if you can imagine these boxes, four feet high, roughly, I don't know, it would be, if you stack boxes like these tables together, if you put two or three together close up with scrap over the top of the boxes, for me personally, I consider myself somewhat of an expert in inspecting scrap. To inspect that scrap as it were, I would have walked around the periphery which is not what we saw happen, and I would--and it was opaque surfaces there, you couldn't see into the boxes, but I could climb on top of this table, for example, I would have to throw these shields physically, with my feet juggling, throw these shields to the side and reach down to my feet level to make an inspection.

If I were making an inspection, that's what I would do. But from the outside area, it's virtually impossible to see what would be in those bins except for a cursory or a rough idea, and then from a distance, and again I don't think one out of a hundred people could, unless they physically went up and inspected

1 each of the pieces in those boxes, would have a good idea of it.
2 Now they weren't put in there scientifically; you could have got
3 between this box and this box, then you would have been like a
4 maize, and there would be a series of boxes bunched together
5 there. To make an inspection, in a professional sense, you
6 couldn't make an inspection unless you climbed on top of it.
7 I witnessed no one climb on top, and I didn't notice--if I had
8 have, I would have asked them to get down, because you could
9 have hurt yourself very easily.

10 If I had I would have brought a forklift over
11 for them. We cooperated in everything they asked. They didn't
12 ask us for a forklift.

13 Q The way they were placed on your property,
14 they were not easily accessible?

15 A That's right.

16 Q They would have had to climb on them, is that right?

17 A That's right.

18 ARBITRATOR SPENCE: The Association would like to
19 present Exhibit S for the Association, which is a picture
20 of the Peck Scrap Metal yards, and after it's examined,
21 I would like to get Mr. Peck to explain this picture and
22 its relevance.

23 ARBITRATOR ABLES: Is it essential that we put
24 this in evidence?

1 ARBITRATOR SPENCE: It doesn't have to be put
2 in evidence, if Mr. Lowden will accept the explanation.

3 ARBITRATOR ABLES: Let's see first, from the
4 explanation.

5 A. This is the scale house in the front; Castlewood
6 Road is up here about a quarter mile. The trucks run back
7 and forth here. The trailers came in on the 5th, they were
8 weighed on the scale, this is where we sort non-ferrous;
9 this is back in our scale operation. They were put on the other
10 side of this small building here. We have a shell here, that is a
11 billing press, this is a billing press; we have a sheer here.

12 The material was put in this corner. The reason
13 we put this up here is we break up batteries up here, to get the
14 lead out of them. This is a busy road here, in the sense this
15 road is always congested. Anyway, this is an alligator sheer
16 we have here. We put all the metal or wood pallet boxes,
17 whatever the hell they were, in that corner.

18 Now on the 6th, they were all here. The steel
19 would come across the scales, going down to the yard for
20 sorting, for one of the little sheers along here. Then the last
21 truck of the day, I wasn't paying much attention to what happened
22 during the day. I was there when the last truck came in, the
23 men came in, the trailer came in here, the men came in with a car
24 here. They asked us to stop the truck here. We brought the

22 your loaders have been instructed to handle the last truck of
23 the day, inasmuch as how it's weighed, and picking up the

1 that you deal with, do they accept the Peck weight tickets for
2 the materials that you receive from them? Or how is that
3 handled?

4 A. There are three companies that come to mind.
5 The next day after this, we picked up, on the 7th, from Bethlehem--
6 they accept our weights. Reynolds, we handle anywhere from four
7 to ten trailer loads a week of aluminum for them; we process
8 for them and they accept our weights. And General Electric
9 Company in Portsmouth, which employes about 4- 5,000 people in their
10 television production plant, they use our weights, and again,
11 with no supervision. These trailers come into our yard, and
12 they rely completely upon our sortation or settlements, and
13 our weights and these are people we have long-term contracts with;
14 been doing business with for many many years.

15 Q. One more point, Mr. Peck, and that will be all.
16 The material that you buy from Vepco, or you have bought in the
17 past from Vepco, that is classified as scrap iron and metal,
18 is this always the scrap iron and metal, is this always the scrap
19 iron and metal alone, or are there other mixtures in with it?
20 And if so, in your opinion, approximately what percentage of
21 these different mixtures would you have in what you classify as
22 a normal load of scrap iron and steel?

23 A. I think this is a very important point, because
24 Vepco sells scrap iron and metal; they also sell aluminum; they

1 also sell copper, and they generate reasonable quantities.
2 Their sortation, their scrap facility is among the worst that
3 I have ever seen, but it is still, when I say worst, it's because
4 it is congested area, there is access by storage people,
5 and everybody, it seems like, can get around the area. But
6 I think this is important, because like this last week we
7 may have hauled 10 or 12 loads from DuPont Company. DuPont
8 is an expert on sorting metals. They have to be, they are
9 sorting a great variety of very precious metals, sophisticated
10 metals. Like I say, they are very sophisticated in their
11 sortation. In their sortation, maybe 10 percent is non-ferrous.
12 We purchased it at maybe \$6.00 a ton as scrap iron. DuPont
13 spends a lot of money in their scrap operations.

14 A company like General Electric, we may buy it
15 for half a cent or less, the steel market is obviously very
16 depressed. We may find as much as 20 percent insulated copper.
17 They will get credit on their settlement, but that's how sloppy
18 or primitive most companies are. A very sophisticated plant,
19 Continental Can, we have contracts with, we have had them 15
20 years at Continental Can, the same way, when we look at the
21 material and expect to bid it, just like Vepco and the other
22 plants, we take it for granted you couldn't take that scrap
23 iron and ship it to a steel mill. And the competitors also look
24 at this and the other metal in it, and the basic reason is the

1 contractors coming into Vepco for example, dumping in aluminum
 2 could take things and just dump it off. The other production
 3 people, even if you mark a drum "Copper" they will throw trash
 4 in there. Their lunch boxes and all. How they could change it,
 5 I don't know. I told Vepco we could run their scrap yard as
 6 a toll basis, not buy anything from them, but that's a different
 7 story.

8 Anyway, their operation is no different from any
 9 other major industrial plant, in that it being a sloppy,
 10 poorly sorted scrap iron operation. I don't know that they
 11 themselves, with their personnel, with their other activities
 12 and missions could do any better. That is a normal thing to go
 13 in and find poorly sorted iron and steel.

14 Q. In these shipments, it is known you get some better
 15 quality material than you bid on?

16 A. I'm suggesting if we went and looked in their
 17 steel bins, I could find copper and aluminum in there; talking
 18 about steel at less than a half cent a pound, and copper at
 19 40 cents a pound. Even knowing they are, what their problem
 20 is, these people don't care. It's a very complex problem.

21 Q. So to sum that up, you get some material that's
 22 more valuable than you bid on, and some is trash?

23 A. Always trash. At Vepco you will find porcelain
 24 or wood, and find any type pallets that are broken off at

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no-value items that will also be included in that.

ARBITRATOR SPENCE: That's all we have of Mr. Peck.

ARBITRATOR ABLES: Without objection, I will receive Q and R in evidence.

MR. LOWDEN: I would like to see the originals of R first, please. We may have an objection.

ARBITRATOR ABLES: I will withhold acceptance of Association Exhibit R. Why don't you question either on the exhibits or the testimony, or is it only on this exhibit you want to examine?

MR. LOWDEN: I want to question him on the exhibit, but I want to see the originals. I think I just can't read some of mine.

All right, Mr. Peck, I will start examining you.

CROSS EXAMINATION

BY MR. LOWDEN:

Q. You say you have been with Peck Iron and Metal Company about 12 years?

A. That's right.

Q. Where were you employed by Peck Iron & Metal Company?

A. Where?

Q. Yeah, where?

1 A I'm employed in Richmond.

2 Q For all of the 12 years?

3 A No.

4 Q You came to Richmond January 1, 1971, didn't you?

5 A No, I came here prior to January 1, 1971.

6 Q When did you come?

7 A You mean when did I move here?

8 Q When were you assigned to your office in Richmond,
9 as distinguished from Portsmouth?

10 A I came up here on a regular basis about September
11 or October of 1970.

12 Q '70?

13 A I was more or less commuting, and then I moved up
14 here for awhile, and would go back. Right along I have been
15 back and forth between Richmond and Portsmouth.

16 Q So what was your job in Portsmouth?

17 A I was General Manager of Portsmouth.

18 Q And then when you changed from Portsmouth to
19 Richmond what happened, did you become General Manager in
20 Richmond?

21 A Right. Two years prior to that, the man in charge
22 wanted to retire, and it took me awhile to bring some people up,
23 so he was waiting so I could get up here.

24 Q So you are not familiar with--or maybe you are--if

1 you are, say so. You are not familiar with the details of the
2 operations in Richmond, prior to say a year or so ago?

3 A. Well, I think I am. I don't know what details you are
4 referring to, but I think I am familiar with the details of
5 the basic operation.

6 Q. Well, you didn't handle the Peck arrangements with
7 Vepco personnel?

8 A. No.

9 Q. And so you didn't go over and see what kind of
10 materials Peck was bidding on when they dealt with Vepco, until
11 you became General Manager in Richmond?

12 A. No, that's not exactly right. I had seen the
13 terms, when I came up here. Vepco was an account we had been
14 handling many many years, on my trips up here I would see the
15 materials. I had been at Castlewood before, I had been dealing
16 with Vepco in Norfolk. It wasn't anything strange about their
17 material.

18 Q. And I think you testified that you weren't going
19 to pay Vepco's claim, unless it were documented, and by that
20 you meant a weight ticket showing delivery of that type of
21 material to you, right?

22 A. Certainly that would be a document which we would
23 be willing to pay on.

24 Q. That's what Vepco hasn't got, is that right?

1 A. I think Vepco hasn't got a lot of things here in
2 this case.

3 ARBITRATOR ABLES: Off the record.

4 (Discussion held off the record.)

5 ARBITRATOR ABLES: All right, on the record.

6 REDIRECT EXAMINATION

7 BY MR. LEVIT:

8 Q Mr. Peck, have you received any appointment from
9 the Governor of Virginia? And if you have, explain what it is.
10

11 MR. LOWDEN: I object to that.

12 ARBITRATOR ABLES: You object to the question?

13 MR. LOWDEN: I object to it. What difference
14 does it make?

15 ARBITRATOR ABLES: We will find out.

16 A. Governor Holten appointed a nine man study
17 commission, two year commission, appointed to investigate
18 the salvage of automobiles and other scrap, and I was the only
19 scrap metal dealer appointed to this commission.

20 ARBITRATOR ABLES: Now are you calling the driver
21 as a witness?

22 MR. LEVIT: Yes.

23 MR. LOWDEN: And I will cross examine Mr. Peck
24 later.

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ARBITRATOR ABLES: Do you have any objection to Mr. Peck waiting in the room?

MR. LOWDEN: I have no objection.

ROY S. SWINDELL was sworn, and testified in behalf of the Association, as follows:

DIRECT EXAMINATION

BY ARBITRATOR SPENCE:

Q. Would you state your full name, please?

A. Roy Swane Swindell.

Q. Mr. Swindell, where are you presently employed?

A. Peck Iron and Metal.

Q. Were you employed with Peck Iron and Metal on January 6, 1971?

A. I was.

Q. Do you recall working in the Vepco salvage yards on that particular day?

A. Yes, sir.

Q. You do. All right, we have some questions to ask you pertaining to the last load of the day. First, on January 6, would you explain to us, please, the Vepco requirements or the procedures that you go through, concerning the last load of the day, and cleaning up and your crane and what have you?

ARBITRATOR ABLES: Tell us what you did on the last

INTERVIEW SUMMARY
Task Order 0001 Site 24
Peck Iron and Metal Site

Raymond L. Gottlieb

Prepared for:

U.S. Environmental Protection Agency
Region 3
Enforcement Support Services
Hazardous Site Cleanup Division
1650 Arch Street
Philadelphia, PA 19103

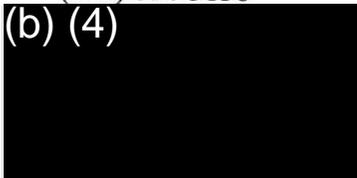
Prepared by:

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Alexandria, VA 22315

Work Assignment Number:
Date Submitted:
Contract Number:
EPA Work Assignment Manager:
Telephone Number:
Chenega Project Manager:
Telephone Number:
Interviewer:

Task Order 0001 Site 24
December 29, 2008
EP-S3-04-01
Joan Martin-Banks
(215) 814-3156

(b) (4)



Name: Raymond L. Gottlieb (WITNESS)
(b) (6)

Affiliation: Former Employee/Peck Iron and Metal Company

Telephone: (b) (6)

Type of Interview: In-Person

Date of Interview: December 10, 2008

On December 10, 2008 the WITNESS was interviewed at his place of employment at (b) (4) Senior Investigator, of (b) (4). The WITNESS was interviewed as part of the Potentially Responsible Party search currently being conducted under Task 0001, Site 24, the Peck Iron and Metal Site, Portsmouth, VA (the "Site.") The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked, and that the interview was voluntary. The WITNESS stated that he is not represented by an attorney in this matter and did not want an attorney present. No other persons were present and this interview was not tape-recorded.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was asked to explain any association he had with the Peck Iron and Metal (PIM) Site located in Portsmouth, VA.

The WITNESS stated that he was employed by PIM from 1958 to 1983. The WITNESS stated that PIM was a scrap metal yard and that his primary responsibility was to accept bids and write responses to bids for the purchase and/or sale of scrap metal. The WITNESS stated that he was not a manager at PIM and did not supervise any PIM employees.

The WITNESS explained that Julius Peck was the owner/operator of PIM. The WITNESS stated that Julius's two sons, Barry and Aaron worked at PIM and were primarily responsible for evaluating the value of scrap metal PIM was either purchasing or selling. Barry and Aaron were also responsible for the separation and inventory of the scrap.

The WITNESS stated that Barry was assigned to the Peck Iron and Metal location in Richmond, VA in the early 1960s.

When asked if there was a Victor Peck working at PIM, the WITNESS provided the following.

The WITNESS stated that Victor was a nephew of Julius and worked at the Richmond location. The WITNESS stated that Victor died in a car accident in the late 1960s. The WITNESS stated that Victor was approximately 35 years old when he died.

The WITNESS stated that Julius's brother, William Peck, also worked at PIM. The WITNESS stated that William Peck operated the scale house.

When asked to describe how PIM was operated, the WITNESS provided the following.

The WITNESS stated that PIM was located at 3500 Elm Street, Portsmouth, VA. The WITNESS stated that a scale house and office was located at the entrance of PIM.

The WITNESS explained that PIM accepted scrap metal from private customers as well as large corporations. The WITNESS explained that any scrap that had not been bid on in bulk would enter the PIM yard by the scale house.

The WITNESS explained that a full truck was weighed when the truck entered, and then weighed again after the truck's load was dumped. The WITNESS stated that the truck driver was paid based on the weight of the scrap.

When asked if there was any records used at the scale house, the WITNESS stated yes and provided the following.

The WITNESS stated that the scale house utilized a three copy weight ticket. The WITNESS stated that the weight ticket contained the truck drivers' name, truck tag number, weight of truck and a description of the contents of the truck. This ticket would also contain the weight of the truck empty and the amount to be paid by PIM for the load. The WITNESS further explained that William Peck kept one copy of the completed weight ticket. The truck driver would then present one of the two remaining weight tickets to a clerk in the office and the driver would be paid by this clerk.

When asked the names of the clerks that worked in the scale house, the WITNESS provided the following.

- Christine T. Perry

The WITNESS was unable to recall any other names of clerks.

When asked if the truck driver was paid in cash, the WITNESS stated the customers were paid by cash and check. The WITNESS stated that the type of payment was at the request of the customer.

The WITNESS explained that William Peck would inspect the type of waste in each load that entered PIM and the amount of payment would depend on the weight of the load and the type of the scrap.

When asked where these records were stored, the WITNESS stated that he does not know.

When asked where the records were kept for purchases, bids, employee records and any contracts, the WITNESS stated that these records would be kept in the office.

When asked the names of the employees who worked in the office, the WITNESS provided the following.

(b) (6) The WITNESS stated that (b) (6) was the office manager and was responsible for all records.

(b) (6) (female): The WITNESS stated that (b) (6) was a clerk in the office.

The WITNESS stated that he cannot recall the names of other individuals who worked in the office. The WITNESS stated that the main office was a tin building located next to the concrete pad that was used to separate scrap. (The WITNESS sketched out the Site. A copy of this sketch is attached.)

The WITNESS stated that a portion of PIM was rented by PIM from the Navy. The WITNESS identified the location of this land on the attached sketch.

The WITNESS stated that Proctor and Gamble Company owned much of the land surrounding PIM. The WITNESS stated that in the late 1960s, PIM purchased this property from Proctor and Gamble.

The WITNESS stated that PIM also received scrap from a railroad system known as the Norfolk-Portsmouth Belt Railroad. The WITNESS stated that gondola cars were operated on this railroad and that PIM received bulk scrap from the Norfolk Navy Ship Yard in the gondola cars.

When asked to identify the types of waste that PIM accepted and to identify the companies associated with the waste, the WITNESS provided the following.

The WITNESS stated that he was primarily involved in bidding for bulk purchases from the Norfolk Navy Yard. The WITNESS stated that the bidding process and the awarding of bids were channeled through the Defense Logistics Command.

The WITNESS stated that from 1958 to approximately 1965, either the WITNESS or Julius, Aaron or Berry Peck would inspect the items on bid and would establish a price for the bid. The WITNESS stated that in approximately 1965, the Defense Logistics Command ("DLC") changed the process and no longer allowed bidders to inspect the items up for bid.

The WITNESS explained that the DLC would publish bid sheets itemizing the contents of each item in the bulk scrap. The WITNESS stated that PIM would then decide on a price for the items. The WITNESS described the bid sheet as indicating the percent of the items

making up the purchase. As an example, the WITNESS stated that the DLC bid sheet would indicate 10% cooper, 5% steel, etc.

The WITNESS stated that once awarded to PIM, they would discover that all of the items were not present or the bulk scrap was short certain items. The WITNESS indicated that when shortages occurred, PIM would appeal the purchase through channels and attempt to lower the price paid. The WITNESS stated that PIM also litigated the award occasionally.

The WITNESS stated that scrap coming from the Norfolk Navy Ship Yard was the single largest source of scrap. He indicated that PIM received thousands of tons of scrap and described the following as the primary waste.

- Steel: Steel from the sides and hull of dismantled ships. Some of this steel would contain lead based paint.
- Pipes: The WITNESS stated that most of the piping received from the Navy Yard were from dismantled ships and that the pipes were painted with lead based paint.
- Cooper: Cooper from dismantled ships.
- Aluminum: Aluminum from dismantled ships.
- Generators: The WITNESS stated that PIM sold the generators to Earl Industries.

The WITNESS stated that from 1958 to approximately the early 1970s, the Norfolk Navy Yard mixed in all types of waste that would be taken from a ship including asbestos from piping and transformers. The WITNESS stated that in approximately 1970 the Navy separated electrical components from the scrap that was put out for bid.

When asked if the WITNESS was aware of an item known as goat, the WITNESS stated no.

The WITNESS was asked if the Peck family operated any other locations. The WITNESS stated yes, and provided the following.

- Gas station on Victory Road, Portsmouth, VA: The WITNESS stated that Julius Peck rented an old gas station located on Victory road. The WITNESS stated that this gas station was used to store heavy equipment and to rent heavy equipment.
- Pinners Point: the WITNESS stated that the Peck's operated Commonwealth Metals from this location. The WITNESS was not familiar with the Commonwealth Metals operations.

When asked the names of other generators, whose waste was received by PIM, the WITNESS provided the following.

- DuPont Company: The WITNESS stated that there was a DuPont plant in Richmond VA and that scrap was accepted by the Peck operation in Richmond.
- Alcoa: the WITNESS stated that Alcoa waste was purchased by PIM. The WITNESS stated that Alcoa scrap was transported to the Richmond VA Site.

- GATX Corporation: The WITNESS stated that PIM received cut up railroad cars from GATX. The WITNESS stated that this was mostly scrap steel, however some transformers were included.
- Phillip Morris: The WITNESS stated that Peck received Phillip Morris scrap at the Richmond facility. The WITNESS stated that he does not know the contents of this waste.
- Potomac Electric Power ("PEPCO"): The WITNESS stated that PIM received steel, wire, cooper and some transformers from PEPCO. The WITNESS does not know if the electrical transformers had been drained.
- Southeastern Public Service Authority ("SPSA"): The WITNESS stated that PIM received waste from SPSA which was mostly household waste. The WITNESS stated that the waste was separated and metals were salvaged.
- Virginia Electric & Power Company ("VEPCO"): The WITNESS recalled obtaining bids with VEPCO for boilers, generators and transformer wires. The WITNESS does not recall if transformers were included.
- Continental Can: The WITNESS stated that all scrap from Continental Can was transported to the Richmond facility.
- Overhead Door Company: The WITNESS stated that PIM received motors from this Company.

The WITNESS reiterated that his primary duties were to work with the military and he was not as familiar with other companies that PIM had as customers.

The WITNESS was asked if he had any knowledge of the following companies waste or scrap being sold to PIM or disposed at the PIM facility in Portsmouth, VA.

- ABB National Industries, Hampton, VA: Could not recall.**
- Alcoa (Reynolds): See comments above.**
- American Gem Corporation, Chesapeake, VA: Could not recall.**
- Anheuser-Busch, Inc., Williamsburg, VA: Could not recall.**
- Argent Marine, Solomons, MD: Could not recall.**
- Associated Naval Architects, Inc, Portsmouth, VA: Could not recall.**
- CSX Transportation CO, Charlotte, NC: Could not recall.**
- Electric Motor and Contracting Co., Chesapeake, VA: Could not recall.**
- Ford Motor Company, Norfolk, VA: Could not recall.**
- General Electric Company, Richmond, VA: Could not recall.**
- General Foam Plastics Corp., Norfolk, VA: Could not recall.**
- General Motors Corporation: Could not recall.**
- Gwaltney Company, Portsmouth, VA: Could not recall.**

Newport News Shipbuilding and Dry Dock Co., Newport News, VA: Could not recall.
Norfolk Shipbuilding and Dry Dock, Co., Norfolk, VA: Could not recall.
Overhead Door Company, Virginia Beach, VA: See comments above.
Phillip Morris, Inc., Richmond, VA: See comments above.
Plasser America, Chesapeake, VA: Could not recall.
Potomac Electric Power Co., Washington, D.C.: See comments above.
Power Mechanical, Inc., Hampton, VA: Could not recall.
Southeastern Public Service authority, Chesapeake, VA: See comments above.
Sumitomo Machinery Corp., Chesapeake, VA: Could not recall.
U. S. Navy, Norfolk, VA: See comments above.
AMF Bowling: Richmond, VA: Could not recall.
Alcatel-Lucent, Murry Hill, NJ: Could not recall.
Brenco, Petersburg, VA: Could not recall.
Carolina Steel Corporation, Greensboro, NC: Could not recall.
Chesapeake, Corporation, Richmond, VA: Could not recall.
Dean Foods, Dallas Texas: Could not recall.
E.I. DuPont de Nemours and Company, Wilmington, DE: See comments above.
Federal-Mogul Corporation, Southfield, MI: Could not recall.
GATX Corporation, Chicago, IL: See comments above.
The Hon Company, Muscatines, IA: Could not recall.
IGM USA Inc., Charlotte, NC: Could not recall.
Kraft Foods, Northfield, IL: Could not recall.
Norfolk Southern Corporation, Norfolk, VA: Could not recall.
Pizzagalli Construction Company, Garner, NC: Could not recall.
Schlumberger Industries, Houston, TX: Could not recall.
Seaboard Marine, Miami, FL: Could not recall.
Stanley Hardware, New Britain, CT: Could not recall.
Super Radiator Coils, Richmond, VA: Could not recall.
Waste Management (Chambers Waste Systems of Virginia): Could not recall.
Windor Supply & Mfg., Inc., Tulsa, OK: Could not recall.

The WITNESS stated that many of the companies mentioned above could have been customers of PIM. The WITNESS indicated that he could not recall any specifics at the present time.

“I declare under penalty of perjury that the foregoing is true and correct.”

Executed on _____
(Date)

Signed _____
(Name)

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Interviewer's Comments and Suggested Follow-up Interviews

Interviewer Comments: The WITNESS (b) (6)

(b) (6)

I have attached the sketch drawn by the WITNESS as part of this summary.

The WITNESS stated that he would sign a copy of this interview summary.

When asked if he wanted his name kept confidential (b) (6) the WITNESS stated that he does not care.

Suggested follow-up Interviews:

(b) (6)

- Christine Perry

INTERVIEW SUMMARY
Task Order 0001 Site 24
Peck Iron and Metal Site

Christine Perry

Prepared for:

U.S. Environmental Protection Agency
Region 3
Enforcement Support Services
Hazardous Site Cleanup Division
1650 Arch Street
Philadelphia, PA 19103

Prepared by:

Chenega Integrated Systems, LLC
5911 Kingtowne Village Pkwy
Suite 300
Alexandria, VA, 22315

Work Assignment Number:
Date Submitted:
Contract Number:
EPA Work Assignment Manager:
Telephone Number:
Chenega Project Manager:
Telephone Number:
Interviewer:

Task Order 0001 Site 24
January 20, 2009
EP-S3-04-01
Joan Martin-Banks
(215) 814-3156

(b) (4)



Name: Christine Perry (WITNESS)

(b) (6)

Affiliation: Former Employee/Peck Iron and Metal Company

Telephone:

(b) (6)

Type of Interview: In-Person

Date of Interview: January 12, 2009

On January 12, 2009 the WITNESS was interviewed at her residence by (b) (4) Senior Investigator, of (b) (4). The WITNESS was interviewed as part of the Potentially Responsible Party search currently being conducted under Task 0001, Site 24, the Peck Iron and Metal Site, Portsmouth, VA (the "Site.") The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked, and that the interview was voluntary. The WITNESS stated that she is not represented by an attorney in this matter and did not want an attorney present. The husband of the WITNESS, Shirley Perry, was also present during this interview.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was asked to explain any association she had with the Peck Iron and Metal (PIM) Site located in Portsmouth, VA.

The WITNESS stated that she was employed by PIM from 1954 to 1983. The WITNESS stated that she worked at the PIM facility located on Elm Street in Portsmouth, VA.

When asked to describe her duties while employed by PIM, the WITNESS provided the following.

The WITNESS stated that she worked in the office at PIM as a secretary. The WITNESS stated that she typed, filed, paid bills and was one of the clerical employees who wrote checks to vendors who had sold scrap metal to PIM.

The WITNESS explained that the office she worked in was in the same building as the scale house, which was located at the entrance to the PIM Site. The WITNESS explained that trucks transporting scrap metal entering the PIM Site were weighed at the scale house. The WITNESS stated that after disposing of their contents, the trucks returned to the scales and weighed empty. The WITNESS stated that the weight of the contents of the truck was noted on a "weigh Ticket." The WITNESS stated that the PIM employee who weighed the truck also inspected the contents in order to identify the contents of the trucks. The WITNESS stated that the contents of the truck were also noted on the weigh ticket.

The WITNESS further explained that when the weigh ticket was completed the truck driver came into the office and presented the ticket to the WITNESS or one of the other clerical employees. The WITNESS stated that she was provided with a chart that would depict the current price of the metals that were purchased by PIM. She would then pay the truck driver with a PIM check for these metals based on the value established on the chart. The WITNESS indicated that the chart identified the metals with the price next to the name.

When asked the names of the PIM employees who worked at the scale house, the WITNESS provided the following.

- William Peck: The WITNESS stated that William Peck was the brother of Julius Peck. The WITNESS stated that William Peck is deceased.
- (b) (6) The WITNESS stated that (b) (6) may be deceased.

When asked the names of the PIM employees who worked in the office, the WITNESS provided the following.

(b) (6)

(b) (6) The WITNESS stated that (b) (6)

The WITNESS stated that she does not recall the names of other employees who worked in the office. The WITNESS indicated that there were other office employees; however the WITNESS was unable to recall any further names.

When asked how the metals were listed, the WITNESS provided the following.

- Steel
- Aluminum
- Cooper
- Brass
- Ferrous and non ferrous metals.

The WITNESS stated that she cannot recall other identifications.

The WITNESS explained that any scrap metal purchased in bulk by PIM was not weighed when entering the PIM Site. The WITNESS stated that the PIM Site was dissected by a railroad spur and that bulk scrap was also delivered to PIM by railroad. The WITNESS explained that all of the scrap that entered PIM by railroad cars was not weighed. The WITNESS stated that most of the scrap transported by railroad cars to PIM contained bulk purchases.

When asked the location of records relating to the PIM bulk purchases, the WITNESS stated that she does not know.

The WITNESS explained that copies of all of the weigh tickets originating from the scale house were filed in the office where she worked.

When asked if these records were ever destroyed, the WITNESS stated that she does not know.

When asked if she recalls any companies selling electrical transformers or electrical motors to PIM, the WITNESS stated that she would not know and explained the following.

The WITNESS stated that if a truck brought in motors, transformers or any other type of contained item, the scale house employee would not describe the item as a motor, etc. The WITNESS stated that the scale house employee would identify the type of scrap that could be retrieved from the item, such as steel, cooper, etc., and the weight for each metal.

When asked to identify the companies whose scrap was purchased through the scale house as opposed to the bulk scrap, the WITNESS stated that she cannot recall all of the companies but provided the following names that she does recall. The WITNESS also stated that she cannot recall the amount of scrap or the volume of scrap disposed at PIM by these companies.

- Alcoa: The WITNESS stated that Alcoa was a regular customer and sold aluminum to PIM.
- Associated Naval Architects: The WITNESS could not recall the types of scrap sold to PIM by this company.
- Overhead Door Company: The WITNESS stated that Overhead Door Company was a frequent customer of PIM and sold scrap steel. The WITNESS could not recall if this company sold motors.
- Virginia Electric & Power Company (VEPCO): The WITNESS stated that VEPCO was a regular customer. The WITNESS recalls steel as one of the items VEPCO sold to PIM. When asked if she was aware of PIM taking VEPCO to court, the WITNESS stated she has no knowledge.
- Potomac Electric Power (PEPCO): The WITNESS stated that PEPCO was a regular customer.
- Nassau Metals: The WITNESS stated that Nassau Metals was also a regular customer. The WITNESS does not recall the type of scrap that Nassau Metals sold to PIM.

The WITNESS stated that there were many more customers that brought scrap into PIM however she cannot recall any further names at this time. The WITNESS agreed to advise me of any further customer names that come to her.

The WITNESS was asked if PIM had a smelting operation on the PIM Site. The WITNESS stated that the only thing she was aware of was a shearer that was located in the east end of the Site. The WITNESS stated that this shearer was used to cut up large pieces of metal. The WITNESS stated that she almost never went to any of the outside areas of the Site and had no further knowledge of the Shearer operation.

When asked the names of other companies that were owned and operated by the Peck family, the WITNESS stated that she was aware of a Peck scrap yard located in Richmond, VA. The WITNESS stated that Julies Peck also operated an equipment company and a company known as Commonwealth Metals. The WITNESS stated that she has no other knowledge of these companies. The WITNESS stated that any files for these companies were probably not kept at the PIM Site.

When asked the names of any of the truck drivers who were employed by PIM, the WITNESS stated that she can only recall one name and provided the following.

(b) (6)

The WITNESS explained that she would only be aware of the scrap that was purchased by PIM that came through the scale house.

The WITNESS stated that any scrap that was purchased by PIM in bulk, by contract or from torn down buildings were not weighed at the scale house. Payment for this type of scrap was handled by Julius Peck.

The WITNESS stated that much of the scrap that was delivered to PIM by railroad car was from the Norfolk Navy Ship Yard.

The WITNESS was asked if she had any knowledge of the following companies waste or scrap being sold to PIM or disposed at the PIM facility in Portsmouth, VA.

- ABB National Industries, Hampton, VA: Cannot recall.**
- Alcoa (Reynolds): See comments above.**
- American Gem Corporation, Chesapeake, VA: Cannot recall.**
- Anheuser-Busch, Inc., Williamsburg, VA: Cannot recall.**
- Argent Marine, Solomons, MD: Cannot recall.**
- Associated Naval Architects, Inc., Portsmouth, VA: See comments above.**
- CSX Transportation Co, Charlotte, NC: Cannot recall.**
- Electric Motor and Contracting Co., Chesapeake, VA: Cannot recall.**
- Ford Motor Company, Norfolk, VA: Cannot recall.**
- General Electric Company, Richmond, VA: Cannot recall.**
- General Foam Plastics Corp., Norfolk, VA: Cannot recall.**
- General Motors Corporation: Cannot recall.**
- Gwaltney Company, Portsmouth, VA: Cannot recall.**
- Newport News Shipbuilding and Dry Dock Co., Newport News, VA: Cannot recall.**
- Norfolk Shipbuilding and Dry Dock Co., Norfolk, VA: Cannot recall.**
- Overhead Door Company, Virginia Beach, VA: See comments above.**
- Phillip Morris, Inc., Richmond, VA: Cannot recall.**
- Plasser America, Chesapeake, VA: Cannot recall.**
- Potomac Electric Power Co., Washington, D.C.: See comments above.**
- Power Mechanical, Inc., Hampton, VA: Cannot recall.**
- Southeastern Public Service Authority, Chesapeake, VA: Cannot recall.**

Sumitomo Machinery Corp., Chesapeake, VA: Cannot recall.
U. S. Navy, Norfolk, VA: See comments above.
AMF Bowling: Richmond, VA: Cannot recall.
Alcatel-Lucent, Murry Hill, NJ: Cannot recall.
Brenco, Petersburg, VA: Cannot recall.
Carolina Steel Corporation, Greensboro, NC: Cannot recall.
Chesapeake Corporation, Richmond, VA: Cannot recall.
Dean Foods, Dallas, Texas: Cannot recall.
E.I. DuPont de Nemours and Company, Wilmington, DE: Cannot recall.
Federal-Mogul Corporation, Southfield, MI: Cannot recall.
GATX Corporation, Chicago, IL: Cannot recall.
The Hon Company, Muscatines, IA: Cannot recall.
IGM USA Inc., Charlotte, NC: Cannot recall.
Kraft Foods, Northfield, IL: Cannot recall.
Norfolk Southern Corporation, Norfolk, VA: Cannot recall.
Pizzagalli Construction Company, Garner, NC: Cannot recall.
Schlumberger Industries, Houston, TX: Cannot recall.
Seaboard Marine, Miami, FL: Cannot recall.
Stanley Hardware, New Britain, CT: Cannot recall.
Super Radiator Coils, Richmond, VA: Cannot recall.
Waste Management (Chambers Waste Systems of Virginia): Cannot recall.
Windor Supply & Mfg., Inc., Tulsa, OK: Cannot recall.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____
(Date)

Signed _____
(Name)

Interviewer's Comments and Suggested Follow-up Interviews

Interviewer Comments:

(b) (6)
(b) (6)

When asked if she wanted her name kept confidential (b) (6) the WITNESS stated that she does not care.

Suggested follow-up Interviews:

(b) (6)

INTERVIEW SUMMARY
Task Order 0001 Site 24
Peck Iron and Metal Site

Billy Boggs

Prepared for:

U.S. Environmental Protection Agency
Region 3
Enforcement Support Services
Hazardous Site Cleanup Division
1650 Arch Street
Philadelphia, PA 19103

Prepared by:

Chenega Global Services, LLC
726 east 9th Street
Anchorage AK 99501

Work Assignment Number:
Date Submitted:
Contract Number:
EPA Work Assignment Manager:
Telephone Number:
Chenega Project Manager:
Telephone Number:
Interviewer:

Task Order 0001 Site 24
September 29, 2010
EP-S3-09-02
Joan Martin-Banks
(215) 814-3156

(b) (4)



Name: Billy Boggs ("WITNESS")

(b) (6)

Affiliation: Area Resident and former employee at the Portsmouth Naval Ship
Yard

Telephone:

(b) (6)

Type of Interview: In-Person

Date of Interview: September 23, 2010

On September 23, 2010 the WITNESS was interviewed at her residence by (b) (4) (b) (4) Senior Investigator, of (b) (4) the WITNESS was interviewed as part of the Potentially Responsible Party search currently being conducted under Task 0001, Site 24 the Peck Iron and Metal Site, Portsmouth, VA (the "Site.") The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked, and that the interview was voluntary. The WITNESS stated that he is not represented by an attorney in this matter and did not want an attorney present. No other persons were present and this interview was not tape-recorded. During the course of this interview the WITNESS and Interviewer drove to the corner of Victory Blvd. and Elm Street (The entrance to Peck Iron and Metal) and observed the Site from the public street.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for area residents.

The WITNESS was asked to explain any association he had with Peck Iron and Metal Site located in Portsmouth, VA ("PIM").

The WITNESS stated that he has lived at his current address since 1941. The WITNESS stated that PIM is located approximately four miles from his residence and that he played on the Site many times. The WITNESS stated that he worked at the Navy Ship Yard ("NSY") in Portsmouth from 1960 to 2000 and that the entrance to the NSY is located directly across the street from the entrance to PIM. The WITNESS stated that he drove by the entrance to the PIM every morning and evening he went to work. This gave the WITNESS many years of observations of activities at PIM. The WITNESS stated that he was employed as a machinist during the time he was employed at NSY.

The WITNESS indicated that as a child growing up he and many of his friends played on PIM. The WITNESS stated that he recalls observing ammunition on the PIM property. The WITNESS stated that he specifically recalls picking up a hand grenade on the PIM. The WITNESS stated that this hand grenade still had the pin intact. The WITNESS stated that he threw the hand grenade in a wooded area. The WITNESS stated that he had observed numerous ammunition shells of all sizes with intact projectiles through out the PIM.

When asked to describe his general observations at PIM the WITNESS provided the following.

The WITNESS stated that he recalls that in the approximately 1960s to 1970s Proctor and Gamble ("P&G") had a plant on the PIM property. The WITNESS stated that he had observed a pipe coming out of the main P&G building. The WITNESS stated that this pipe ended at Paradise Creek and that the pipe dumped a white lard type substance into the Creek. The WITNESS stated that this pipe leaked and puddles of the lard substance were seen at many places along the pipe line on PIM.

The WITNESS pointed out a green cement building located on PIM and stated that he had observed numerous 55-gallon steel drums stored in this building. When asked if he recalled any markings or names on these drums the WITNESS provided the following.

The WITNESS stated that he observed drums with the name Sunoco stenciled on the side; The WITNESS stated that he also observed many red and blue drums stored in this building however

When asked the names of the companies who sold scrap metal to the PIM at Portsmouth, or the names of companies that the WITNESS had observed entering the PIM, the WITNESS provided the following.

- General Motors: The WITNESS stated that General Motors stored packaged marine diesel motors at PIM. The WITNESS stated that these motors were used for Navy landing craft. The WITNESS stated that when the Navy shipyard ordered a number of these motors, Peck was responsible to unpack and clean the motors. The WITNESS stated that this packaging included paraffin, oil and an unknown oily substance.
- Alcoa: The WITNESS stated that he had observed Alcoa Aluminum trucks enter PIM containing aluminum and that he observed aluminum on the PIM property.
- EMC Electric Motor and Contracting Company: The WITNESS stated that motors from EMC on PIM.
- General Electric Company: The WITNESS stated that he observed General Electric enter the PIM with open top containers containing boxes of motors. The WITNESS was unable to
- Newport News Shipbuilding and Dry Dock Company ("NNSC"): The WITNESS stated that he had observed NNSC drop off hydraulics systems and catapults at PIM.
- Norfolk Ship Yard: The WITNESS stated that the Norfolk Ship Yard overhauled Navy ships and that Peck received scrap metal from these overhauls.
- VEPCO: The WITNESS stated that he observed VEPCO enter PIM with flat bed trucks and that he had observed transformers on these trucks.

- CSX Transportation: The WITNESS stated that CSX entered the PIM Site on a railroad track spur and that CSX operated both flat bed cars and gondola cars on this spur to enter PIM. When asked the WITNESS stated that he recalls observing electrical transformers on the flat bed cars. The WITNESS stated that he had no information about where these transformers originated.
- Southeastern Public Service Authority ("SPSA"): The WITNESS stated that the property that SPSA is now located was part of the PIM property and was used as part of the PIM operation.

The WITNESS was asked if he had any knowledge of the following companies waste or scrap being sold to PIM or disposed at the PIM facility in Portsmouth, VA. The WITNESS stated that he cannot recall the types of scrap that was purchased by PIM. The WITNESS provided the following information.

ABB National Industries, Hampton, VA: Could not recall.
Alcoa (Reynolds): See comments above.
American Gem Corporation, Chesapeake, VA: Could not recall.
Anheuser-Busch, Inc., Williamsburg, VA: Could not recall.
Argent Marine, Solomons, MD: Could not recall.
Associated Naval Architects, Inc, Portsmouth, VA: Could not recall.
CSX Transportation CO, Charlotte, NC: See comments above
Electric Motor and Contracting Co., Chesapeake, VA: See comments above.
Ford Motor Company, Norfolk, VA: Could not recall
General Electric Company, Richmond, VA: See comments above.
General Foam Plastics Corp., Norfolk, VA:
General Motors Corporation: See comments above.
Gwaltney Company, Portsmouth, VA: Could not recall.
Newport News Shipbuilding and Dry Dock Co., Newport News, VA: See comments above.
Norfolk Shipbuilding and Dry Dock, Co., Norfolk, VA: See comments above.
Overhead Door Company, Virginia Beach, VA: Could not recall.
Phillip Morris, Inc., Richmond, VA: Could not recall.
Plasser America, Chesapeake, VA: Could not recall.
Potomac Electric Power Co., Washington, D.C.: Could not recall.
Power Mechanical, Inc., Hampton, VA: Could not recall
Southeastern Public Service authority ("SPSA"), Chesapeake, VA: See comments above.
Sumitomo Machinery Corp., Chesapeake, VA ("SMC"): Could not recall.
U. S. Navy, Norfolk, VA: See comments above.
AMF Bowling: Richmond, VA: Could not recall.
Alcatel-Lucent, Murry Hill, NJ: Could not recall.
Brenco, Petersburg, VA: Could not recall.
Carolina Steel Corporation, Greensboro, NC: Could not recall.
Chesapeake, Corporation, Richmond, VA: Could not recall.

Dean Foods, Dallas Texas: Could not recall.
E.I. DuPont de Nemours and Company, Wilmington, DE: Could not recall.
Federal-Mogul Corporation, Southfield, MI: Could not recall.
GATX Corporation, Chicago, IL: Could not recall.
The Hon Company, Muscatines, IA:
IGM USA Inc., Charlotte, NC: Could not recall.
Kraft Foods, Northfield, IL: Could not recall.
Norfolk Southern corporation, Norfolk, VA: Could not recall.
Pizzagalli Construction Company, Garner, NC: Could not recall.
Schlumberger Industries, Houston, TX: Could not recall.
Seaboard Marine, Miami, FL: Could not recall.
Stanley Hardware, New Britain, CT: Could not recall.
Super Radiator Coils, Richmond, VA: Could not recall.
Waste Management (Chambers Waste Systems of Virginia):
Windor Supply & Mfg., Inc., Tulsa, OK: Could not recall.
AT&T Micro-Electronics: Could not recall
Ball Metal Container, Williamsburg VA: Could not recall
Capitol City Iron Works: Could not recall
Cleveland Wrecking: Could not recall
Continental Can, Hopewell, VA: Could not recall
Davis Boat Works: Could not recall
General Electric, Portsmouth, VA: Could not recall
Gray Metal: Could not recall
Hoechst Celanese, Portsmouth, VA: Could not recall
Keller Industries: Could not recall
L.A. Gentry: Could not recall
Moon Engineering: Could not recall
Nassau Metals: Could not recall
NAITO America: Could not recall
Proctor and Gamble Company: See comments above.
St. Laurent Paperboard Co. (Smurfit-Stone Container): Could not recall
Tyson Foods: Could not recall
Virginia Electric and Power Company (VEPCO): See comments above.
Weidmuller (Mann Industries): Could not recall
Woodington Electric, Virginia Beach/Norfolk, VA: Could not recall.

When asked the names of other employees at PIM the WITNESS provided the following.

- John Meeks

“I declare under penalty of perjury that the foregoing is true and correct.”

Executed on _____
(Date)

Signed _____
(Name)

Interviewer's Comments and Suggested Follow-up Interviews

Interviewer Comments: The WITNESS was cooperative and forthcoming.

The WITNESS stated that because of his interest and profession as a machinist he was very interested in the types of material that Peck dealt in. As such he was probably more observant of activities at PIM than most people.

The WITNESS stated that many other companies dealt with Peck at PIM. He indicated that he will probably recall more names and will contact me with any additional information.

The WITNESS stated that she would sign a copy of this interview summary.

When asked if he wanted his name kept confidential to the extent possible, the WITNESS stated that she does not care.

Suggested follow-up Interviews:

- John Meeks

Name: William Brewster ("WITNESS")

(b) (6)

Affiliation: Former Employee/Peck Iron and Metal Company

(b) (6)

Telephone:

Type of Interview: In-Person

Date of Interview: March 17, 2009

On March 17, 2009 the WITNESS was interviewed at his place of employment by (b) (4) Senior Investigator, of (b) (4). The WITNESS was interviewed as part of the Potentially Responsible Party search currently being conducted under Task 0001, Site 24 the Peck Iron and Metal Site, Portsmouth, VA (the "Site.") The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked, and that the interview was voluntary. The WITNESS stated that he is not represented by an attorney in this matter and did not want an attorney present. No other persons were present and this interview was not tape-recorded.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was asked to explain any association he had with Peck Iron and Metal (PIM) Site located in Portsmouth, VA.

The WITNESS stated that he was employed by PIM from 1975 to January 1998. The WITNESS stated that Julius Peck had owned the PIM facility in Portsmouth since 1945. The WITNESS stated that in 1975 Julius Peck sold the PIM scrap yard to the following British scrap Company.

- Bird International.

The WITNESS stated that Bird International (Bird) operated the PIM scrap yard until 1979. The WITNESS stated that in 1979 Bird sold the PIM scrap yard back to Julius Peck.

When asked if he worked for Bird during the time period Bird operated the PIM scrap yard, the WITNESS stated no. The WITNESS further explained that from 1975 to 1979 the WITNESS worked for the Peck Equipment Company. The WITNESS stated that the Peck Equipment Company was located adjacent to the PIM scrap yard at the address of 3850 Elm Street. The WITNESS stated that the Peck Equipment Company occupied three large warehouses previously owned by Proctor and Gamble Company.

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When asked if the Peck Equipment Company rented the warehouses from Proctor and Gamble the WITNESS stated that Julius Peck may have rented the warehouses initially; however, the WITNESS stated that Julius Peck eventually purchased this property.

The WITNESS explained that Peck Equipment purchased surplus ship equipment such as turbines, engines and ship parts. The WITNESS stated that the U. S. Navy published monthly catalogs listing equipment needed. The WITNESS stated that Peck Equipment would sell the surplus equipment to the Navy.

The WITNESS explained that when Peck sold the PIM scrap yard to Bird, Peck was precluded by the contract with Bird from getting into the scrap business within a fifty mile radius of PIM. The WITNESS stated that Julius Peck started the Richmond scrap yard as a result.

The WITNESS explained that he was the controller/bookkeeper for PIM during the entire time he was employed by PIM. The WITNESS stated that he paid accounts billable and prepared bills for payment. The WITNESS stated that he was assisted by (b) (6)

The WITNESS was asked the names of the Companies who sold PIM scrap metal and disposed of the scrap at PIM the WITNESS provided the following.

- U.S. Government: The WITNESS stated that PIM's biggest customer was the Government, and more specifically the Navy. The WITNESS stated that PIM purchased scrap through auctions held at the St. Julian's Annex. The WITNESS stated that Scrap from military basis throughout the east coast was shipped to the St. Julian's Annex. The WITNESS stated that PIM also bid on bulk scrap through the Department of Defense Material Command. The WITNESS stated that the scrap consisted of iron, non-ferrous metals and steel.
- Oceana Naval Air Station: The WITNESS stated that PIM made "spot" purchases from Oceana. The scrap included pipes and steel.
- Newport News Shipbuilding and Dry Dock Company ("NNSC"): The WITNESS stated that NNSC was a large account and that PIM purchased heavy steel, plates from ships steel beams.
- AT&T Company: The WITNESS stated PIM purchased wire and cooper from AT&T.
- Verizon: The WITNESS stated that PIM purchased wire and cooper from Verizon.
- Norfolk-Portsmouth Beltline: The WITNESS stated that PIM purchased rail, spikes, bolts and switches from this Company.
- Proctor and Gamble: The WITNESS explained that prior to 1975 the P&G factory located adjacent to PIM was a soap factory. The WITNESS stated that in

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approximately 1975 the P&G plant was converted to a peanut producing factory. The WITNESS stated that P&G sold steel bins and old motors to PIM.

- Colonas Ship Yard: The WITNESS stated that PIM purchased aluminum, iron and light steel from Colonas.
- Virginia Power and Electric Company ("VEPCO"): The WITNESS stated that VEPCO was a steady customer at PIM, however he could not recall the types of waste.
- Anheuser Busch: The WITNESS stated that Anheuser Busch was a customer of PIM and the Peck facility in Richmond. The WITNESS could not recall the types of waste purchased from this Company.
- CSX Transportation, Inc.: The WITNESS stated that PIM purchased scrap from CSX on a regular basis however he was unable to recall the type of scrap.
- Gwaltney: The WITNESS stated that PIM purchased scrap from Gwaltney on a regular basis. The WITNESS described the waste as duck work, conveyer systems and condensers. When asked if the condensers contained Freon, the WITNESS stated that he does not know.
- Norfolk Shipbuilding & Dry Dock: The WITNESS stated that this Company was a regular customer at PIM. The WITNESS was unable to recall the types of scrap.
- Plasser American: The WITNESS stated that Plasser was a semi-regular customer at PIM. The WITNESS described the scrap as steel frames and beams.
- Sumitomo Machinery Corporation of America ("SMCA"): The WITNESS stated that SMCA was a regular customer at PIM. The WITNESS could not recall the types of Scrap.
- Woodington Electric: The WITNESS stated that Woodington was a regular customer and that PIM purchased wire from Woodington.

The WITNESS stated that PIM purchased scrap from many other companies however he was unable to recall any further names.

When asked if he was aware of the location of any records, the WITNESS stated yes and provided the following.

- The WITNESS stated that when he left employment with PIM in 1998, all of the records relating to PIM were located in the building at 3500 Elm Street. The WITNESS stated that these records included all books and ledgers covering the prior twenty years.

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When asked the name of the insurance company that carried PIM insurance, the WITNESS stated that PIM contracted with (b) (6) to handle all insurance matters.

The WITNESS was asked to explain the association of the following companies to the Peck family. The WITNESS provided the following.

- Peck Iron and Metal Company: The WITNESS stated that Peck Iron and Metal was used as a holding company as well as the name of the PIM location in Portsmouth.
- Peck-Portsmouth Recycling: The WITNESS stated that he was unfamiliar with this name.
- ELM Leasing Company: The WITNESS stated that ELM leasing company was the Peck Company that leased the warehouse next to 3500 Elm Street. The WITNESS stated that Peck leased this warehouse to numerous businesses for storage of equipment.
- JSP Land Company, Inc.: The WITNESS stated that JSP was organized so that Julius Peck could rent a portion of the property under JSP Land Company to PIM and receive the rent for his property.

When asked the names of other PIM employees, the WITNESS provided the following.

(b) (6) Scale operator
(b) (6) Yard supervisor.
(b) (6) Assistant bookkeeper.

The WITNESS stated that PIM employed more than fifty laborers and truck drivers. The WITNESS indicated that these employees were usually from the local area.

The WITNESS stated that the area known as Carddock was a local neighborhood and (b) (6)

(b) (6)

The WITNESS was asked if he had any knowledge of the following companies waste or scrap being sold to PIM or disposed at the PIM facility in Portsmouth, VA. The WITNESS stated that he cannot recall the types of scrap that was purchased by PIM. The WITNESS provided the following information.

ABB National Industries, Hampton, VA: Could not recall.

Alcoa (Reynolds): Could not recall

American Gem Corporation, Chesapeake, VA: Could not recall.

Anheuser-Busch, Inc., Williamsburg, VA: See comments above.

Argent Marine, Solomons, MD: Could not recall.

Associated Naval Architects, Inc., Portsmouth, VA: Could not recall.

CSX Transportation Co., Charlotte, NC: See comments above.

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Electric Motor and Contracting Co., Chesapeake, VA: Could not recall
Ford Motor Company, Norfolk, VA: Could not recall.
General Electric Company, Richmond, VA: Could not recall.
General Foam Plastics Corp., Norfolk, VA: Could not recall
General Motors Corporation: Could not recall.
Gwaltney Company, Portsmouth, VA: See comments above.
Newport News Shipbuilding and Dry Dock Co., Newport News, VA: See comments
above.
Norfolk Shipbuilding and Dry Dock, Co., Norfolk, VA: See comments above.
Overhead Door Company, Virginia Beach, VA: Could not recall.
Phillip Morris, Inc., Richmond, VA: Could not recall.
Plasser America, Chesapeake, VA: See comments above.
Potomac Electric Power Co., Washington, D.C.: Could not recall.
Power Mechanical, Inc., Hampton, VA: Could not recall.
Southeastern Public Service Authority ("SPSA"), Chesapeake, VA: Could not recall
Sumitomo Machinery Corp., Chesapeake, VA ("SMC"): See comments above.
U. S. Navy, Norfolk, VA: See comments above.
AMF Bowling: Richmond, VA: Could not recall.
Alcatel-Lucent, Murry Hill, NJ: Could not recall.
Brenco, Petersburg, VA: Could not recall.
Carolina Steel Corporation, Greensboro, NC: Could not recall.
Chesapeake, Corporation, Richmond, VA: Could not recall.
Dean Foods, Dallas Texas: Could not recall.
E.I. DuPont de Nemours and Company, Wilmington, DE: Could not recall.
Federal-Mogul Corporation, Southfield, MI: Could not recall.
GATX Corporation, Chicago, IL: Could not recall.
The Hon Company, Muscatines, IA: See comments above.
IGM USA Inc., Charlotte, NC: Could not recall.
Kraft Foods, Northfield, IL: Could not recall.
Norfolk Southern Corporation, Norfolk, VA: Could not recall.
Pizzagalli Construction Company, Garner, NC: Could not recall.
Schlumberger Industries, Houston, TX: Could not recall.
Seaboard Marine, Miami, FL: Could not recall.
Stanley Hardware, New Britain, CT: Could not recall.
Super Radiator Coils, Richmond, VA: Could not recall.
Waste Management (Chambers Waste Systems of Virginia): Could not recall.
Windor Supply & Mfg., Inc., Tulsa, OK: Could not recall.
AT&T Micro-Electronics: Could not recall
Ball Metal Container, Williamsburg VA: Could not recall
Capitol City Iron Works: Could not recall
Cleveland Wrecking: Could not recall
Continental Can, Hopewell, VA: Could not recall
Davis Boat Works: Could not recall
General Electric, Portsmouth, VA: Could not recall
Gray Metal: Could not recall
Hoechst Celanese, Portsmouth, VA: Could not recall.

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Keller Industries: Could not recall
L.A. Gentry: Could not recall
Moon Engineering: Could not recall
Nassau Metals: Could not recall
NAITO America: Could not recall
Proctor and Gamble Company: See comments above
St. Laurent Paperboard Co. (Smurfit-Stone Container): Could not recall
Tyson Foods: Could not recall
Virginia Electric and Power Company (VEPCO): See comments above.
Weidmuller (Mann Industries): Could not recall
Woodington Electric, Virginia Beach/Norfolk, VA: See comments above.

The WITNESS stated that he cannot recall the types of scrap associated with each of the above PIM customers.

When asked where the records were kept, the WITNESS stated that the reconciliation sheets were kept in a separate file from the weigh tickets. The WITNESS stated that while he was employed at PIM, his files were filed in a filing cabinet in his office.

When asked the names of other employees at PIM, the WITNESS provided the following.

(b) (6)



"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____
(Date)

Signed _____
(Name)

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PFE ORIGINAL

October 26, 2009

Joan E. Martin-Banks
Civil Investigator
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Peck Iron and Metal Site, Portsmouth, Virginia

Dear Ms. Martin-Banks:

Thank you for your August 7, 2009 electronic mail correspondence in response to Dominion Virginia Power's July 28, 2009 letter regarding the above-referenced site. Although we appreciate receiving the additional documents you provided in that correspondence, none support the suggestion that Dominion Virginia Power (referred to in the documents as "VEPCO") would be properly characterized as a responsible party at the site. Therefore, we reiterate the arguments provided in our July 2009 letter.

As discussed in greater detail in our July 2009 letter, neither the applicable law nor the facts support the inference that Dominion Virginia Power "arranged for disposal" of hazardous substances at the site. Dominion Virginia Power's only connection to the site was as a seller of valuable scrap metal materials, which it intended only to sell for recycling and reuse. Although there is no indication that these materials would have contained hazardous substances, the Supreme Court has determined that a party cannot be considered to have arranged for disposal of a hazardous substance unless it intended that hazardous substances be disposed of as part of the transaction in question – which was certainly not the case here. *See Burlington Northern & Santa Fe Railway Co. v. United States*, 556 U.S. ___, 129 S. Ct. 1870 (2009). The Fourth Circuit has also held that the sale of scrap metal for recycling or reclamation constitutes the sale of valuable material, and would not be considered an arrangement for disposal even where the recyclable materials contained hazardous substances. *See Pneumo Abex Corp. v. High Point, Thomasville and Denton Railroad Co.*, 142 F.3d 769, 776 (4th Cir. 1998). Dominion Virginia Power's transactions with Peck would also be exempt from CERCLA liability as bona fide recycling transactions, pursuant to the Superfund Recycling Equity Act, 42 U.S.C. §9627.

The additional documents provided by EPA in August consist of interview summaries of three former site employees (Brewster, Perry and Gottlieb), and an interview summary and declaration from Mr. David Peck. A copy of the Peck Company's 104(e) response was also included. In their interviews, none of the three former employees provide support for the

ATLANTA CHICAGO HONG KONG LONDON NEW YORK NEWARK NORFOLK ORANGE COUNTY
RALEIGH RICHMOND SAN DIEGO SHANGHAI TYSONS CORNER VIRGINIA BEACH WASHINGTON, DC

Joan E. Martin-Banks
October 26, 2009
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suggestion that Dominion Virginia Power arranged for disposal of hazardous substances at the site. Ms. Perry and Mr. Brewster state only that Dominion Virginia Power was a regular customer, although Mr. Brewster cannot recall what types of materials it sold to the site, and Ms. Perry states only that steel was one of the items received. Neither provides support for the proposition that Dominion Virginia Power sold or sent hazardous substances to the site in any form, and instead support the positions reflected in our July 2009 letter.

Gottlieb provides even less support for EPA's position, and only recalls obtaining bids for "boilers, generators and transformer wires," but does not recall actually bidding on any of these materials, or purchasing and receiving them at the site. In addition, to the extent Mr. Gottlieb's use of the term "transformer wires" is intended to refer to the insulated wiring contained within electrical transformers, his recollection that he even received bids for such materials appears to be inaccurate. Based on Dominion Virginia Power's available records and knowledge of its historical practices regarding the management and disposition of transformers, the company would not have removed or sold insulated wiring from its electrical transformers, nor would such insulated wiring (if it were available for sale) have been sold to scrap metal and recycling companies such as Peck Iron.

Similarly, Mr. Peck's statement that Dominion Virginia Power was a "large source of scrap" to the Portsmouth facility does not support an arrangement for disposal, even if hazardous substances were alleged to have been present, for the many reasons discussed in our July 2009 letter. Regardless, Mr. Peck's allegation that the company "sent transformers with PCBs and probably other hazardous substances" to the Portsmouth facility, is factually inaccurate and without support. Since at least the late 1950's, the repair and disposition of all distribution transformers owned by Dominion Virginia Power has been conducted through the company's Materials & Metering Services ("M&MS") Center in Richmond. The Company's available records and historical knowledge indicate that distribution transformers sold by the company for any purpose were processed through this facility, and the Company's longstanding policy has been to drain transformers of oil prior to sale to third parties.

Moreover, the Company's used transformers available for resale would have been segregated from scrap metal collected for recycling, and would have been sold after receiving bids from only a predetermined set of companies deemed qualified to purchase and manage such materials. Given the nature of Peck Iron's operations and the Company's historical use of Peck for scrap iron and steel recycling, it is unlikely that it would have been a bidder for Dominion Virginia Power's used transformers. In addition, the M&MS Center's location in Richmond would have made it very unlikely that any transformers or other materials sold through the M&MS Center would have been transported to Peck's Portsmouth facility.

Based on our review, the documents provided to us by EPA in response to our July 28, 2009 letter do not support EPA's previously stated belief that Dominion Virginia Power arranged for disposal of hazardous substances at the site. Therefore, we respectfully request that EPA not

TROUTMAN
SANDERS

Joan E. Martin-Banks
October 26, 2009
Page 3

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include Dominion Virginia Power on any future correspondence or lists of potentially responsible parties with respect to the site.

Sincerely,



Andrea L. Rimer

cc: Clay Burns, Esq.

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July 28, 2009

BY OVERNIGHT DELIVERY

Ms. Laura Johnson
Remedial Project Manager (3HS23)
DE, VA, WV Remedial Branch
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Peck Iron and Metal Site, Portsmouth, Virginia
Response to Notice of Potential Liability

Dear Ms. Johnson:

This letter is in response to EPA's May 20, 2009 correspondence to Virginia Electric and Power Company ("Dominion Virginia Power" or "the Company") regarding the above-referenced site (the "Site"). In its letter, EPA states that Dominion Virginia Power "may be liable" as an arranger under Section 107(a) of CERCLA with respect to the Site, pointing to an unspecified "reason to believe" that the Company "arranged for the disposal and/or treatment of lead, zinc and PCBs" at the Site. Dominion Virginia Power, however, has never arranged for the disposal of lead, zinc, PCBs or any other hazardous substance at the Site, and EPA's unfounded allegation of liability is not supported by the facts, the CERCLA statute, or applicable case law. To the contrary, Dominion Virginia Power did not arrange for disposal of any materials containing hazardous substances at the Site, and cannot be considered a responsible party with respect to the Site.

As discussed in its December 3, 2008 response to EPA's CERCLA Section 104(e) information request, Dominion Virginia Power's only connection to the Site was through the sale of recyclable iron, steel and aluminum to Peck Iron & Metal Company ("Peck Iron") during the 1990's. The materials the Company sold to Peck Iron during this period consisted entirely of scrap metal such as structural steel, piping and similar metal components, and did not include any materials or equipment that would have contained or come into contact with hazardous substances in any concentration. Specifically, these scrap materials did not include any transformers, capacitors, wiring, batteries or other items alleged in EPA's letter to have been the source of hazardous substances detected at the Site, and did not otherwise contain PCBs, lead, zinc or any other hazardous substance. In fact, during the time the relevant transactions took

Ms. Laura Johnson
July 28, 2009
Page 2

place, it was Dominion Virginia Power's understanding that Peck Iron was unable to accept transformers, batteries and other materials containing hazardous substances – and the Company employed various practices to ensure no materials containing hazardous substances were present in the scrap metal accumulations it sold to Peck Iron. It was also the Company's understanding that Peck Iron screened the materials upon receipt and/or prior to processing, to ensure that no prohibited items were inadvertently included with the scrap metal. Because there is no indication that hazardous substances were present in the materials the Company sold to Peck Iron for delivery to the Site, EPA has no basis for asserting that Dominion Virginia Power "arranged for disposal or treatment of hazardous substances" at the Site under CERCLA, regardless of the nature of these transactions.

Even if EPA were able to demonstrate that the materials Dominion Virginia Power sold to Peck Iron contained hazardous substances, these transactions would still not constitute "arrangement for disposal" under CERCLA. First, in entering into these sales transactions with Peck Iron, Dominion Virginia Power was not seeking to "dispose" of anything. Instead, the Company was selling a valuable product – scrap metal – to Peck Iron for significant consideration. During the time these transactions occurred, a strong market existed for scrap metal, and Peck Iron paid a competitive price for these materials. Fourth Circuit case law holds that the sale of scrap metal for recycling or reclamation constitutes the sale of a valuable material, and would not be considered an "arrangement for disposal" under CERCLA. *See Pneumo Abex Corp. v. High Point, Thomasville and Denton Railroad Co.*, 142 F.3d 769, 776 (4th Cir. 1998) (holding that defendant's sale of used wheel bearings to a reclamation facility did not constitute arrangement for disposal, and that the transactions were instead properly characterized as the sale of "valuable products"). Similarly, Dominion Virginia Power's sale of scrap metal to Peck Iron would be considered the sale of a valuable product, to which no CERCLA liability would attach.

The United States Supreme Court recently provided additional support for this position in *Burlington Northern & Santa Fe Railway Co. v. United States*, 556 U.S. ___, 129 S. Ct. 1870 (2009), holding that a party cannot be considered to have "arranged for disposal" of hazardous substances unless it *intended* that hazardous substances be disposed of as part of the transaction in question. The Court thus concluded that the sale of a useful product does not constitute "arrangement for disposal" where there is no intent to dispose, even where the seller in that case had knowledge that spills or leaks associated with its product were occurring at the purchaser's facility. Dominion Virginia Power entered into the subject transactions with Peck Iron intending only to sell valuable scrap metal to Peck Iron for recycling, and did not intend to dispose of these materials – and certainly did not intend to dispose of any hazardous substances if any may, in fact, have been present in the materials. Therefore, the Company cannot be considered to have "arranged for disposal" of a hazardous substance in connection with the Site.

Dominion Virginia Power's transactions with Peck Iron also would be exempt from CERCLA liability as bona fide recycling transactions, pursuant to the Superfund Recycling

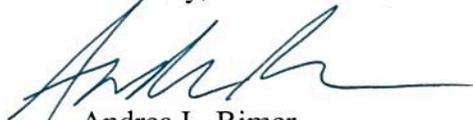
Ms. Laura Johnson
July 28, 2009
Page 3

Equity Act, 42 U.S.C. § 9627. This exemption states that an entity that “arranged for recycling of a recyclable material shall not be liable” as either an “arranger” or “transporter” under CERCLA. *Id.* § 9627(a)(1). Based on the nature of its transactions with Peck Iron and its own internal practices, Dominion Virginia Power is able to demonstrate each of the elements required to prove this defense. *See id.* § 9627(d). With respect to the sales of scrap metal at issue, a market certainly existed for these materials, and Peck Iron paid a competitive price for them. In addition, these materials appear to have met a commercial specification grade, and based on our understanding of Peck Iron’s operations, a substantial portion (and perhaps all) of the material was made available for use as a feedstock for the manufacture of a new salable product and would have been a replacement or substitute for a virgin product. Dominion Virginia Power did not melt the scrap metal prior to the transaction, and exercised reasonable care in the management and handling of the recyclable material. In addition, the Company had every reason to believe the materials would be recycled and managed properly, and that the Peck Iron facility was in compliance with substantive environmental laws in effect at the time.

Based on our review of the relevant transactions and documentation, Dominion Virginia Power does not appear to be in any way connected to the hazardous substances detected at the Site, nor could it be considered a liable party under CERCLA based on its sale of valuable, recyclable materials to Peck Iron. If EPA is aware of specific transactions or documents on which it is basing its stated belief that a connection may exist, we request that you provide those documents to us with an explanation of why EPA believes those particular transactions or documents give rise to liability at the Site, based on the CERCLA statute and current case law.

Please let me know if you have any questions. In addition, please note that Troutman Sanders has replaced McGuireWoods as counsel to Dominion Virginia Power with respect to the Site, so please be sure to direct any future correspondence regarding the Site to my attention, rather than to Darin Waylett. Should you need to send correspondence directly to Dominion Virginia Power regarding this matter, please direct it to: Clay Burns, Esq., Law Department, Dominion Resources Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219, with a copy to me.

Sincerely,



Andrea L. Rimer

cc: Clay Burns, Esq.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL

MAY 20 2009

NOTICE OF POTENTIAL LIABILITY
URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Virginia Electric & Power Company
dba Dominion Virginia Power
Thomas F. Farrell II, CEO
120 Tredegar Street
Richmond, VA 23219

**Re: Peck Iron and Metal Site
Portsmouth, Virginia**

Dear Mr. Farrell:

This letter notifies you that the Virginia Electric & Power Company dba Dominion Virginia Power (hereinafter, "your company" or "Vepco") may incur, or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Peck Iron and Metal Site ("Site") located in Portsmouth, Virginia. This letter also notifies you of potential response activities at the Site, which you may be asked to pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that your company may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current

and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

The Peck Co., (and its predecessor company Peck Iron & Steel Co., both of which are collectively referred to as "Peck") was a scrap metal business that was in business from approximately 1945 through the early 1990s. EPA has obtained information that the Site was operated by Peck, which purchased, processed, stored and shipped metal scrap from various military bases, governmental agencies, and businesses. The scrap processed by Peck at the Site included obsolete equipment, attachments, parts, other miscellaneous materials, and scrapped naval vessels. During a July 9, 2003 meeting at the Site with EPA and the Virginia Department of Environmental Quality ("VADEQ"), a former principal of Peck stated that polychlorinated biphenyls (PCB) containing transformers were disassembled and wires were burned to remove insulation. Peck's operations resulted in the improper storage and disposal of hazardous substances and the release of hazardous substances into the environment.

Peck received at the Site various materials that contained hazardous substances, including but not limited to lead and PCBs. Lead is a hazardous substance as set forth in 40 C.F.R. §§ 261.21 and 261.24 under the Resource Conservation and Recovery Act ("RCRA"). Zinc is a hazardous substance as set forth in 40 C.F.R. § 302.4. PCBs are hazardous substances as set forth in 40 C.F.R. § 302.4. These substances are also classified by the U.S. Department of Transportation as hazardous.

The facility processed scrap materials by sorting them, staging them, cutting them down to size, and then loading them onto railcars for shipment to consumers. Lead from batteries was reclaimed in a process referred to as "battery breaking". In this process the top of the battery is removed and the contents of the battery – lead plates, insulating grid and acid – are dumped onto the ground. The plates are recovered and stored for later processing or shipping. The remaining debris consisting of cases and grids typically are stored in piles for later disposal. Transformers containing PCBs were processed in the "shear area" by removing the transformers' carcasses and then collecting the oil with PCBs and insulated wire from within. The oil was used for various purposes at the Site including dust suppression in summer and fuel for warming fires in winter. Insulation on the transformer wire was sometimes burned off. The processing at the facility generated recovered materials and waste including PCB-contaminated wastes such as oil and insulation, as well as asbestos, munitions, miscellaneous fugitive metal debris, hydraulic fluids and waste oils.

Based on the information collected, EPA believes that your company may be liable under Section 107(a) of CERCLA with respect to the Site, as a person who arranged for disposal or treatment of hazardous substances sent to the Site. Specifically, EPA has reason to believe that your company arranged for the disposal and/or treatment of lead, zinc, and PCBs (as well as other substances) at the Site.

SITE RESPONSE ACTIVITIES

Several Site inspections were conducted by EPA and revealed a large open field covered with construction debris piles. A well-established wetland makes-up the southern margin of the Site adjacent to Paradise Creek. Various types of metallic debris can be observed on the surface of the ground; some debris is partially buried. Some degraded projectiles and shell casings also were observed on the surface of the ground.

On October 5, 2006, EPA began an emergency removal action and on January 11, 2007, EPA issued an Administrative Order for Removal Response Action (EPA Docket No. CERC-03-2007-0075DC) (the "Order") to The Peck Co., and the related parties, JSP Land Company, Inc., Peck-Portsmouth Recycling Company, Inc., and ELM Leasing Company, Inc. Pursuant to the Order, these entities submitted an Extent of Contamination Study ("EOC") on October 24, 2008. The EOC revealed significant contamination across the Site. Of the approximately 800 soil samples collected on the Site, nearly all indicated concentrations of PCBs, lead, and arsenic magnitudes above the Regional Screening Levels ("RSLs") for Chemical Contaminants at Superfund Sites - Industrial Soil Screening Levels.

In addition, the Site had been referred to the Region III Site Assessment Branch for evaluation in the Hazard Ranking System ("HRS") for potential placement of the Site on the National Priorities List ("NPL"). The Site was subsequently proposed in the Federal Register for inclusion on the NPL on April 9, 2009 with a potential listing expected in September 2009. EPA expects to conduct or to have PRPs conduct the following studies at the Site:

1. A removal action to reduce any immediate threat in the environment or human health posed by the site;
2. Remedial Investigation ("RI") - Further investigations to define the nature and extent of soil, air, ground water, surface water and sediment contamination at the Site and to identify the local hydro-geological characteristics and impact on biotic receptors at the Site; and a
3. Feasibility Study ("FS") - A study to evaluate possible response actions to remove or contain hazardous substances, pollutants, and contaminants at the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

You may receive an additional notice from EPA in the future concerning the Site. The following four paragraphs are a detailed description of this future notice. You do not need to take any specific action regarding this future notice at this time. The description is provided to you here so that you can anticipate and understand the process.

The future notice will either inform you that EPA is using the CERCLA Section 122(e) special notice procedure to formally negotiate the terms of a consent order or consent decree to conduct or to finance Site response activities, or it will inform you that EPA is electing not to utilize this procedure. If EPA does not use the Section 122(e) special notice procedure, the notice will specify why special notice was not considered appropriate in this case.

Under Section 122(e), EPA has discretionary authority to use the special notice procedure if EPA determines that such procedure would facilitate an agreement between EPA and the PRPs for taking response action and would expedite remedial action at the Site. Use of this special notice procedure triggers a moratorium on certain government activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may enter into formal negotiations for an agreement under which the response activities will be financed and performed by the PRPs.

If special notice is provided with respect to the Remedial Investigation and Feasibility Study ("RI/FS") at the Site, the moratorium period, during which EPA will not initiate implementation of the RI/FS, lasts for 60 days after receipt of special notice. If EPA determines that a good faith offer to perform or to finance the RI/FS is submitted by the PRPs within 60 days, the statute provides a 30-day extension for further negotiations. Following completion of the RI/FS, a second moratorium period during which EPA may not initiate response activities occurs with regard to the Remedial Design/Remedial Action ("RD/RA"). The RD/RA moratorium also lasts for 60 days after the RD/RA special notice has been issued. If EPA determines that a good faith offer for the performance of the RD/RA is submitted by the PRPs within 60 days, the statute provides for an additional 60-day extension for further negotiations.

If EPA determines that a good faith offer has not been submitted within the first 60 days of any moratorium period, EPA may terminate the negotiation moratorium pursuant to Section 122(e)(4) of CERCLA and may commence response activities or enforcement actions as it deems appropriate. In the absence of an agreement with the parties to perform or to finance the necessary response activities, EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of Site expenditures. Alternatively, EPA may issue a unilateral administrative order ("UAO") pursuant to Section 106(a) of CERCLA to require PRPs to conduct response activities, and/or may commence civil litigation pursuant to Section 106(a) of CERCLA to obtain similar relief. Failure to comply with a UAO issued pursuant to Section 106(a) of CERCLA may result in a fine of up to \$37,500 per day, pursuant to Section 106(b) of CERCLA and 40 C.F.R. Part 19, and/or imposition of treble damages, pursuant to Section 107(c)(3) of CERCLA.

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. It does not require any specific action on your part at this time.

PRP RESPONSE AND EPA CONTACT

You are encouraged to contact EPA in writing within **thirty (30)** calendar days of the receipt of this letter to express your willingness or unwillingness to participate in future negotiations concerning this Site. You may respond individually or through a steering committee if such a committee has been formed. Your response will be considered by EPA in determining whether the special notice procedure should be used for this Site.

If you are already involved in discussions with State or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site, you should not interpret this letter as advising or directing you to restrict or to discontinue any such activities. You should, however, report the status of those discussions or activities in your letter to EPA. Please provide EPA with a copy of your letter to any other party involved in those discussions.

Your response to this letter should be addressed to:

Laura Johnson, Remedial Project Manager (3HS23)
DE, VA, WV Remedial Branch
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

The following information may be useful in your consideration of this matter.

INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

EPA encourages good faith negotiations between the PRPs and EPA, as well as among the PRPs. A list of the names and addresses of PRPs to whom this notification is being sent along with the name(s) of PRPs previously notified is being provided. This list represents EPA's preliminary findings on the identities of the PRPs for the Site. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at or from the Site.

DE MINIMIS SETTLEMENTS

Under CERCLA § 122(g) of CERCLA, whenever practicable and in the public interest, EPA may offer special settlements "to parties whose waste contribution to a site is minimal in volume and toxicity, that is, de minimis parties."

Individuals or businesses resolving their Superfund liability as de minimis parties are not typically required to perform site cleanup. Instead, EPA requires de minimis settlers to pay their fair share of cleanup costs incurred, plus a "premium" that accounts for, among other things, uncertainties associated with the costs of work to be performed in the future. In return, de minimis settlers receive: (1) a covenant not to sue, which is a promise that EPA will not bring any future legal action against the settling party for the specific matters addressed in the settlement; and (2) contribution protection, which provides a settling party with protection from being sued by other responsible parties for the specific matters addressed in the settlement.

Participation in a de minimis settlement means that you are settling directly with EPA as soon as it is possible to do so.

If your company believes that it may be eligible for a de minimis settlement at this Site, please contact Joan E. Martin-Banks, Civil Investigator, at (215) 814-3156 for additional information on "De Minimis Settlements." Additional information will be sent to you, and you may be asked to respond in writing to questions about your involvement with the Site to assist EPA in making a determination as to whether you may be eligible for such a settlement.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. The administrative record will be available to the public for inspection and comment before any remedial action is selected by EPA. A copy of the record for each response action selected for the Site will be available on the internet at www.epa.gov/arweb and will be available in hardcopy, on microfilm, or on compact disk at specific location(s). A copy will be located at the EPA Regional office, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The contact person in the Regional office is Anna Butch telephone at (215) 814-3157.

FUTURE FINANCIAL REVIEW

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within this category, please contact Joan E. Martin-Banks, Civil Investigator at (215) 814-3156 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business federal income tax returns. If EPA concludes that your company has a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Please note that, because EPA has a potential claim against you, you must include EPA as a creditor in subsequent bankruptcy proceedings.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

Please give these matters your immediate attention and consideration. If you have any questions regarding the PRP Search activities performed at this Site, please contact Joan E. Martin Banks, Civil Investigator, at (215) 814-3156, or have your attorney contact James Van Orden of EPA's Office of Regional Counsel at (215) 814-2693. Laura Johnson, the Site RPM, can be reached by telephone at (215) 814-3295. Thank you for your prompt attention to this matter.

Sincerely,



Karen Melvin, Associate Division Director
Office of Enforcement
Hazardous Site Cleanup Division

Enclosures:

1. List of PRPS Receiving Notice Letter
2. Responsible Parties Previously Noticed and/or Ordered
3. SBREFA Information

cc: Erica Dameron, VA DEQ
James Van Orden, Esq., (3RC42)
Richard Rupert, OSC (3HS31)
Laura Johnson, RPM (3HS23)
Darin K. Waylett, Esq.

Enclosure 1

Notice Letter Recipient List
Peck Iron and Metal Site, Portsmouth, Virginia

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Owner/Operators

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Enclosure 2

Parties Previously Issued Administrative Order for Removal Response Action,
January 11, 2007, (EPA Docket No.CERC-03-2007-0075DC)

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Party Previously Noticed on April 10, 2009

Chesapeake Corporation
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Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfr.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbr.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators

(www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center
(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act
(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.
(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse
(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline
(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information
(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.
(1-202-554-1404)

Wetlands Helpline
(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman
(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage
(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy.
(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy
(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

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McGUIREWOODS

PFE ORIGINAL

dwaylett@mcguirewoods.com
Direct Fax: 804.225.5410

December 3, 2008

VIA FEDEX Next-Day Delivery and E-mail

Joan Martin Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Ms. Banks:

This responds to the Request for Information Pursuant to Section 104(e) of CERCLA for the Peck Iron and Metal Site in Portsmouth, Virginia issued May 30, 2008 by Laura B. Janson, Chief, Cost Recovery Branch, United States Environmental Protection Agency, Region III, addressed to Virginia Electric & Power Company at 2901 Charles City Road, Richmond, VA 23231 ("Information Request"). It was received by Virginia Electric and Power Company ("Dominion Virginia Power" or the "Company") on August 26, 2008 via fax from Joan Martin Banks. On August 28, the Company agreed to an initial due date for its response of October 3, 2008. The Company subsequently requested and received from Ms. Banks on September 22 a 30-day extension of time in which to respond. Ms. Banks granted the Company an additional 30-day extension on October 29, making the due date December 3, 2008.

In the Information Request, the "Site" has been defined as the "Peck Iron and Metal Co. facility" located in Portsmouth, Virginia with the listed address of 3850 Elm Avenue. It is the Company's understanding that the Site has been used for decades for scrap metal recycling, and that operations ceased at the facility in or around 1997. In the Information Request the term "Peck Iron and Metal Co." has been defined to mean the corporation known as "Peck Iron and Metal Co., Inc., as well as Peck Recycling, and any other company controlled by Julius S. Peck, B. David Peck or Aaron Peck and operating at the Site." While there is a Peck facility located in Richmond, Virginia, the terms "Site" and "Peck Iron and Metal Co." are not defined to include the Richmond facility, and thus it is not the subject of the Information Request.¹

¹Although EPA has provided the Company with documents relating to transactions with the Peck facility in Richmond, Virginia, these documents are not relevant, and are not discussed in this response.

A brief summary of the Company structure as it relates to scrap metal recycling will provide useful background to the responses below. The Company has two major operations that generate scrap materials: electric generation, and electric transmission and distribution. On the generation side, Company operations include fossil fuel, hydropower, and nuclear power stations located in Virginia, North Carolina, and West Virginia. The Company's transmission and distribution operations consist of all facilities related to delivering electricity to customers throughout the Company's service area in Virginia and North Carolina, including approximately 35 District Offices, as well as substations and over 6,000 miles of power lines.

The Company's Investment Recovery group (part of the centralized services organization structured under the Company's parent corporation) is responsible for arranging for the sale of all surplus assets, including the sale of scrap metal. Investment Recovery solicits bids for all Company surplus assets, and tracks all sales under these contracts. Typically, surplus material from the Company's facilities is accumulated at each site, and then shipped to a central processing site, the Materials and Metering Services ("MM&S") Center (formerly known as the Maintenance and Supply or "M&S" Center) located at 4307 Castlewood Road in Richmond, Virginia. This facility is responsible for separating and managing these various materials, and working with Investment Recovery to identify surplus material that can be put out for bid. Although most scrap materials generated by the Company's operations are managed through the Castlewood Road facility, in some instances scrap metal is sent from individual facilities directly to various vendors. For instance, certain large lots of material may be collected at the site of generation, and the successful bidder collects them directly from the site. In addition, Investment Recovery has negotiated long term contracts with vendors for the recycling of scrap metal from power stations, which have allowed the vendor to take the material without bringing it through the Castlewood Road facility.

The Company has made reasonable inquiry and conducted a diligent search of currently available Company records, including interviewing Company personnel who had responsibility for managing scrap metal or waste at the time of the documented transactions with Peck Iron and Metal Co. In addition, personnel who currently manage scrap metal or waste, or are responsible for contracting and recordkeeping relating to the disposition of scrap materials to various vendors, were interviewed. The interviews and records show that any scrap materials that would have been sent to the Site would in all likelihood have been generated or accumulated at facilities in close proximity to the Site. The records show these shipments were sent directly to the Site and were not first sent to the Castlewood Road facility. The Company also sold scrap metals to other vendors not the subject of this Information Request.

The responses provided pursuant to the Information Request are not intended and should not be construed as an admission of liability by the Company for the release or threatened release of hazardous substances at the Site, or for any removal or response costs or damages attributable to hazardous substances at the Site.

Answers to Numbered Questions in Information Request

The Company's answers and objections to each question are set out below following the question from the Information Request.

1. List all shipments of scrap materials, including scrap metal, which your company has sent to the site. Include the date for each transaction, the type and quantity of scrap metal sent, the amount paid or collected in connection with each transaction, the method of payment, and identity of the person making or receiving the payment.

Company records (attached to this response) indicate that the Company sent scrap materials to the Site during the 1990s. See Attachment 1. Payments from Peck Iron and Metal Co. to Virginia Electric and Power Company were made by check and received by the Company's Accounts Receivable Department.

2. For each shipment of scrap materials identified in response to Question 1 above, identify:

- a. the source of the scrap material;**
- b. the prior use of the scrap materials;**
- c. whether the scrap material was a collection of homogenous materials;**
- d. whether the scrap material was tested for any hazardous substances prior to shipment to Peck Iron and Metal Co.**

a. See Attachment 1.

b. The prior uses of the scrap materials included structural steel and piping, and various other pieces of equipment designated as surplus by the Company, as well as a small volume of scrap aluminum.

c. The materials were relatively homogenous in that the scrap metals consisted primarily of only carbon and stainless steel, and limited shipments of scrap aluminum.

d. The Company has had a long standing practice of identifying and separating hazardous wastes and handling such wastes appropriately. For instance, asbestos-containing materials, such as insulation on steel and iron parts, are and have been identified and segregated from other materials at the site of generation. These practices have been in place since at least the early 1980's.

3. At the time of the transaction(s) involving scrap materials listed in your response to Question 1(a), what was the intended disposition of the scrap materials at the Site?

The intended disposition of the scrap materials was for use in creating new metal products through recycling.

4. Did a market exist for the scrap metal listed in your response to Question 1, above? If so, describe the nature of such market at the time of the transaction (possible uses, possible consumers, etc.) and the source of that commercial specification grade (e.g. ISRI, Department of Defense, or wherever your company would find the grade published)

There was a market for the materials as evidenced by payments received by the Company from the Peck Iron and Metal Co. for such materials. The Company regularly placed, and continues to place, surplus materials including scrap metal out for bid to ensure that it recoups the highest available market price for such materials. The Company sends out invitations for bid to a number of vendors, and regularly uses many different vendors for the recycling of scrap metal, which confirms that a strong market for these materials existed, and continues to exist. In addition, the pricing under the Company's long term contracts are typically tied to metal market publications, such as the American Metal Market publication "Scrap Iron and Steel – Consumer Buying Prices."

5. What commercial specification grade did the scrap metal listed in your response to Question 1(a) meet? Identify/ list the commercial specification grades that each scrap metal identified in 1(a) met.

The Company does not have specific information on the grades of metals sold to Peck Iron and Metal Co.

6. After sale, transfer, delivery, or disposal, what portion of the scrap metal listed in your response to Question 1(a) was to be made available for use as a feedstock for the manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.

It was and is the Company's understanding that all scrap metal sold for recycling was for use as feedstock for new saleable products.

7. Could the scrap metal listed in your response to Question 1(a) have been used as a replacement or substitute for a virgin raw material? If so, provide details.

It was and is the Company's understanding that some portion of the scrap metal sold for recycling could have been used as a replacement or substitute for virgin raw materials. However, the Company does not track the details of the scrap metal market with regards to the precise uses for these materials.

8. Could any products to be made from the scrap metal listed in your response to Question 1(a) have been used as a replacement or substitute for a product made, in whole or in part from a virgin raw material? If so, provide details.

It was and is the Company's understanding that some portion of the products ultimately made from the scrap metal were used as a replacement or substitute for products made, in whole or in

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part, from virgin materials. However, the Company does not track the market for recycled scrap metals, nor the products made from this material.

9. Did your company process any of the scrap materials sent to Peck Iron and Metal Co. prior to transport and delivery to the Site? If yes, describe the process used and the purpose for subjecting the scrap materials to the process.

The Company did little to process the metals prior to sale to Peck Iron and Metal Co., other than those abatement processes discussed in the response to Question 2, above. The Company did disassemble some surplus equipment designated as scrap metal in order to segregate the various metals contained within the equipment.

10. Was the transaction between your company and Peck Iron and Metal Co.: 1) an outright sale? 2) the subject of a written or verbal "tolling" agreement between the companies; or 3) the "banking" of the transacted material in a metal account at the request of your company for return or other disposition at a later date?

All scrap-related contract documents available, and the recollections of individuals in Investment Recovery, indicate that the Company and Peck Iron and Metal Co. entered into various contracts for the outright sale of scrap metal, and did not enter into tolling or banking arrangements. None of the contracts specified the location where the scrap metal would be shipped. To the Company's knowledge, no transacted materials sold to the Site were ever returned to the Company.

11. Did your company have a basis for believing that the scrap materials listed in your response to Question 1(a) would be recycled? If not, what was that basis? Provide supporting documentation.

Interviews with Company personnel indicate that the scrap materials sold to Peck Iron and Metal Co. were to be recycled. As Peck Iron and Metal Co. paid the Company for the materials, this was evidence that the materials had some residual value, and would not simply be sent for disposal. Further, the Company regularly reviewed American Metal Market publications, which confirmed the market value of these materials.

12. Describe all efforts (i.e. site visits) taken by your company to determine what would be done with the scrap materials identified in your response to Question 1(a) that may have been sold, transferred or delivered to Peck Iron and Metal Co. at the Site.

Interviews with Company personnel and a review of all available records did not disclose the efforts taken by the Company with regards to Question 12.

13. What steps (e.g. internal procedures, Federal, state and local compliance inquiries) were taken by your company to ensure that Peck Iron and Metal Co., the recipient of the scrap materials listed in your response to Question 1(a), was in compliance with applicable Federal environmental regulations or standards and any amendments, with respect to the scrap materials it received from your company?

It has been the Company's long standing policy to conduct a review of all vendors prior to adding them to its list of approved vendors. While this process includes a significant environmental compliance component for vendors for hazardous waste disposal, scrap metal dealers were mainly investigated with regard to their long term business history and financial capability. This is due to the fact that scrap metal recycling has not historically been subject to environmental regulation. In addition, the Company typically included provisions within its scrap metal contracts requiring vendors' compliance with all applicable laws.

14. Did your company have any basis for believing that the Peck Iron and Metal Co. facility at the Site was in compliance with substantive provisions of any Federal, state or local environmental laws or regulations, or compliance order or decree applicable to the handling, processing, reclaiming, storage or other management activities associated with the scrap materials listed in your response to Question 1(a)? If so, identify that basis and provide supporting documentation.

The Company does not have any records or other information relating to the Site's compliance status.

15. Describe the efforts your company undertook with respect to the management and handling of the scrap materials listed in your response to Question 1(a), including the extent to which you complied with customary industrial practices current at the time of the transaction designed to minimize contamination of the scrap materials by hazardous substances.

As noted above, the Company employs a number of practices to ensure that scrap metal is not contaminated with hazardous substances. For example, the Company has had a long standing practice of identifying and segregating asbestos-containing materials, such as insulation on steel and iron parts, since at least the early 1980's.

In addition, personnel at Company facilities have conducted frequent visual inspections of scrap metal roll-off containers to ensure that materials sent for recycling are free of hazardous and other waste material. These inspections are in addition to annual training of all personnel regarding asbestos awareness, hazardous waste handling, and environmental compliance. These practices have been in place as far back as anyone could recall.

All Company facilities maintain separate accumulation areas for scrap metal to keep it segregated from other recyclable materials, solid waste, and hazardous waste. Roll-off containers or other bins designated for scrap metal typically are identified with markings such as "Scrap Metal Only."

16. Provide all information in your possession that shows that you were in compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management or other activities associated with the scrap materials listed in your response to Question 1(a).

None of the documents, including both those provided by EPA and those located in the Company's files, give an indication that the Company was not in compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management or other activities associated with the scrap materials sold to the Site. All available documentation and interviews of Company personnel indicate that the Company had practices in place to ensure that no hazardous waste was included in scrap metals being sold to Peck Iron and Metal Co.

17. Identify the person(s) answering these questions and requests for copies of documentation on behalf of your company.

The Company specifically objects to EPA communicating directly with its employees. Should EPA have interest in further inquiry of employees, its counsel should communicate with the Company's undersigned counsel.

Without waiving its objections, the Company provides the following list of individuals currently employed with the Company who are known to have or have had some role, or may have had some role, in the management of waste, scrap metals or recordkeeping relating thereto.

Clay Burns, in-house counsel for the Company, and Darin Waylett, outside counsel with McGuireWoods LLP, were primarily responsible for preparing answers to these questions. In addition, the Company endeavored to interview all current employees who may have information relating to the requests. The following Company personnel, with their positions at the Company noted, were interviewed in regard to these questions and requests:

Michael Rhodes – Supervisor, Investment Recovery since 1987.

John Argus – Supervisor, Supply Chain Management, Yorktown Power Station since 2000. Has had a role in scrap metal management at the station since 1982.

Bruce Easley – Senior Environmental Compliance Coordinator, Yorktown Power Station, since 1992 (also worked at the Surry Power Station prior to 1992).

Robert Taylor – Supervisor, Supply Chain Management, Possum Point Power Station since 2000. Had a role in scrap metal management at the station from 1983 to 1993.

Annette Christian – Supplier Diversity Specialist (formerly with Environmental Services from March 1992 to May 2007 handling waste management).

John Black – Environmental Consultant, Electric Delivery for the last 15 years. Began work on environmental compliance issues for the company in 1985.

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Robert Barnes – Supervisor, Materials Recycling, M&S Center since 1990.

Robert Williams – Environmental Consultant, Environmental Services for the last 10 years. Has had some responsibility for waste management and recycling issues since 1980.

Barbara Ebert – Process Assistant, M&S Center since 1997.

Vernon Cobbs, Jr. – Supervisor, Supply Chain Management, Bremo Power Station for the last 4 ½ years. Formerly worked at the M&S Center from 1980 to 1995, and worked in Investment Recovery from 1995 to 2004.

Kenneth Wray – Shop Repairman, M&S Center from 1977 to the present, with the exception of the period from 2002 to 2006.

Karen Craig – Supervisor, Supply Chain Management, Chesapeake Energy Center since 2001.

Bryan Rowe – Storekeeper (Supply Chain), Chesapeake Energy Center, 1989-1995 and since 2001.

Daren Parker – Lineman, Chuckatuck District Office (formerly Storekeeper in Supply Chain at Chesapeake Energy Center, 1989-1995).

Paul Dickson, Environmental Compliance Coordinator, Chesapeake Energy Center, since 2002.

Bruce Sanders, Chemist, Chesapeake Energy Center, since 1982.

Hank Dykes – Supervisor, Field Logistics (Supply Chain), Eastern Virginia District Offices, since 1997 (formerly Store Supervisor for East Richmond District Office from 1988-1997).

Elizabeth Downer -- Supervisor, Supply Chain Management, Surry Power Station, since 2006.

Barbara Garnett – Supervisor, Customer Billing, since 2004. Ms. Garnett has been with the company since 1974 in various positions.

Maxine Harper – Process Assistant, Customer Billing, since 1990. Ms. Harper has been in the accounting department since 1974.

Dennis Flippen -- Director, Audit Services. Has been with Audit Services since its inception in the mid-1990's.

18. For each Request, identify all persons consulted in the preparation of the answer.

See list above. Answers to each Request were prepared based on the cumulative responses of all persons interviewed and records reviewed.

19. For each Request, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Request and provide true and accurate copies of all such documents.

Where applicable, the Company has diligently searched hard copy and electronic records maintained at the following offices and locations seeking any documentation related to the Company's dealings with Peck Iron and Metal Co. This includes a review of a database of records maintained in the Company's Records Archive, which holds inactive records subject to the Company's long-term records retention policies.

Investment Recovery Department (Richmond)
Environmental Services Department (Richmond)
M&S Center, Castlewood Road (Richmond)

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Customer Billing (Richmond)
Records Archive, Castlewood Road (Richmond)
Eastern Virginia District Offices, Electric Delivery
Yorktown Power Station
Chesapeake Energy Center
Possum Point Power Station
Surry Power Station

The Company also formerly operated the Systems Maintenance Support Center at Castlewood Road and then at Charles City Road in Richmond. This Center is no longer in operation and any records from that operation which were not destroyed pursuant to the Company's record retention policies would have been found in the review of the Company's Records Archive.

All documents located related to the Company's dealings with the Site are included with this response.

20. Describe in detail any agreement/contract your company has had with Peck Iron and Metal Company. In addition, identify any other company operating at the Site and describe in detail any arrangements your company has had with each such company, if any, including the time period of your company's involvement with such company.

The Company entered into a number of contracts with various vendors, including Peck Iron and Metal Company. None of the contracts with Peck Iron and Metal Company specified the location where the scrap materials would be shipped. However, the information discovered in the Company's records and interviews indicate shipments from the Company to the Site would have been limited to the Company's facilities located in close proximity to the Site.

The only executed contract related to sales to the Site that was found in our records search is CIR 6061 for scrap iron and metal from the Chesapeake Energy Center. This contract was for the outright sale of material, and contained various indemnification provisions, as well as a provision requiring Peck Iron and Metal Co. to comply with law in the performance of the contract. Based on the recollection of Michael Rhodes in Investment Recovery, most contracts, particularly starting in the 1990's, included such a compliance with law provision, such as is reflected in CIR 6061.

References to contract numbers for sales of scrap metals to the Site from Chesapeake Energy Center, Yorktown Power Station, and the Chuckatuck District Office (see Attachment 1) are noted in invoices mailed to Peck Iron and Metal Co. and Peck Recycling Co. at 3500/3850 Elm Avenue in Portsmouth, Virginia. However, the Company has not found copies of the referenced contracts in its records.

The Company is not aware of any other company operating at the Site.

21. Provide all business records pertaining to your company and Peck Iron and Metal Co. or any other company operating at the Site, including:

- a. Copies of correspondence to and from these companies, including letters and memoranda (both internal and external);**
- b. Copies of invoices, manifests, bills-of-lading, purchasing orders, tickets, and any other documents pertaining to shipping, receiving, and transporting scrap materials; and**
- c. Copies of business records pertaining to sale, transfer, delivery or disposal of any hazardous substances, scrap materials, and /or recyclable materials to the Site.**
- d. If you are unable to provide any or all of these documents, explain why and what you did to find them.**

a-c. All documents responsive to Questions 21 a through c discovered through a diligent search of Company records are produced with this letter.

d. To help in locating records, the Company conducted the searches described in response to Question 19, above. This included searches of environmental services and/or supply chain records for each of the facilities noted. In addition to the records of various offices and facilities, as described above, the Company conducted a search of its corporate records archive located at Castlewood Road in Richmond. In addition, accounting personnel conducted a thorough search of the corporate accounting system.

22. If you have reason to believe that someone could provide a more detailed or complete response to any of these questions or requests for copies of documents, or if you have reason to believe that there could be someone who may be able to provide additional documents that would be responsive to these questions and requests for copies of documents, identify such person(s), identify the additional documents that they may have and describe any information related to these questions that they may have.

All current employees for whom there was a reasonable belief of knowledge related to management and recycling/sale of scrap materials at the Company during the relevant time frame were interviewed. Based on these interviews, and corporate records regarding former employees, the following individuals may have additional information regarding these questions:

C. Wayne Anderson – Former Investment Recovery Supervisor
Claude C. Boggess – Former Investment Recovery Supervisor
Mike Kadlubowski – Former Environmental Services Supervisor

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23. Provide details, including dates and materials involved, of all on-site spills or releases of hazardous materials of which you have knowledge and that occurred during the processing of scrap materials containing hazardous substances at the Site.

The Company, including all current personnel interviewed in regard to this response, is unaware of any spill or releases of hazardous substances at the Site that may have occurred during the processing of scrap materials, or at other times.

24. To the extent not identified in Question 1, identify all transactions or agreements for disposal in which your company gave, sold, or transferred any material or item, scrap materials, waste materials, pollutant, or contaminant, including copper-bearing material, and ash to the Site. In addition:

- a. State the dates on which each such person may have given, sold, transferred or delivered such material.**
- b. Describe the materials or items that may have been given, sold, transferred or delivered including the type of material, chemical content, physical state, quantity by volume and weight and other characteristics.**
- c. Describe the nature, including the chemical content, characteristics, physical state (e.g. solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each such arrangement.**
- d. State whether any of the hazardous substances identified in subpart c. above exhibit any of the characteristics of a hazardous waste identified in 40 C.F.R. Section 261, Subpart C.**

To the best of the Company's knowledge, no materials sold to Peck Iron and Metal Co. contained hazardous substances. Details regarding the materials sold to Peck Iron and Metal Co. and weights are provided in Attachment 1. All materials were solid in form.

25. What other materials, if any, did your company send to the Site (items/materials not covered in Question 24 above)?
a. Describe the purpose of each sale, transfer, or delivery of materials to the Site.

To the best of the Company's knowledge, only scrap metals listed in Attachment 1 were sold to Peck Iron and Metal Co.

26. Describe what was done to materials indicated in your response to Questions 24 & 25 above once they were brought to the Site including any further processing of materials.

The Company does not have any information regarding actions taken at the Site related to the processing or recycling of scrap metals.

27. Identify the person(s) who sold, transferred, delivered, and selected the Site as the location at which scrap materials from your company were to be disposed or treated.

a. Identify all documents mentioning these arrangements for disposal.

b. Describe all efforts (i.e., site visits) taken by the person(s) identified in your response to Question 25 above to determine what would be done with the materials that may have been sold, transferred, or delivered after such materials had been sold, transferred, or delivered to the Site.

Vendors generally will request that they be included on the Company's list of vendors for bids and proposals for the sale of various surplus materials, including scrap metal. The Company conducts varying types of due diligence on requesting vendors, and if they are acceptable, will add them to its list of approved vendors. The Company then selects from such approved vendors through a bid and proposal process. This process is managed by Investment Recovery, although some site investigation tasks are carried out by Environmental Services.

Supply Chain personnel at individual Company facilities are responsible for arranging for the transfer of scrap metal shipments to the vendor, including supervising the weighing of those shipments.

As noted above, the Company has no records or information indicating what efforts may have been taken to determine the ultimate fate of scrap metals sold to the Site.

28. For each sale, transfer, or delivery of materials to the Site, had any hazardous substances been added to the materials described in your response to Questions 24 & 25 above? If so, identify the hazardous substances added and the person responsible for adding such hazardous substance.

a. Why were these hazardous substances added to the materials?

b. Describe the source of or the process that produced the materials described in your response to Questions 24 & 25.

As stated in response to Question 15, Company practices are and have been in place to ensure that any hazardous substances are separated from scrap metal prior to recycling. In addition, the Company physically separates its various waste streams at each of its facilities, particularly hazardous waste streams, to ensure that these wastes remain segregated.

29. Identify all individuals who currently have, or who previously had, responsibility for your company's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of your company's wastes, scrap materials and/or recyclable materials). Hereafter, these individuals are referred to as environmental caretakers. For each environmental caretaker, indicate the dates of the individual's employment or contractual obligation (i.e. the dates indicating the length of the individual's tenure[s]), the nature of the individual's duties and responsibilities and a description of the type of environmental information that the individual would know).

Core responsibility for the Company's environmental matters rests with a centralized Environmental Services group organized under Dominion Virginia Power's parent company. In addition, employees of the Company's generation and transmission/distribution operations provide onsite support of the Company's environmental compliance function. Cathy Taylor is the Director of Electric Environmental Services for Dominion Virginia Power's parent company. Ms. Taylor has held this position since 2001. Waste management issues are currently covered by Karen Canody. Annette Christian, who is now in another area of the Company, handled waste management from 1992-2007.

Each of the Company's electric generating stations has an Environmental Compliance Coordinator ("ECC") who is responsible for overseeing on-site compliance with both applicable environmental laws and internal company practices and procedures. The ECCs, with guidance from Environmental Services, oversee training of personnel on waste management practices, which includes physical segregation of various solid and hazardous waste streams. The ECCs each report to a Station Director.

Paul Dickson is the current ECC for Chesapeake Energy Center, a position he has held since 2002. Alan Baker, who is no longer with the Company, held that position in the 1990s. Bruce Easley is the ECC for Yorktown Power Station, a position he has held since 1992. The District Offices comprising the Company's transmission/distribution operations also are supported by an Environmental Compliance Coordinator. John Black has held this position (albeit with different titles) since 1985.

The Company's Supply Chain Management Department is generally responsible for the disposition of scrap materials collected at individual facilities and the central M&S Center on Castlewood Road. See the list above in response to Question 17 for Supply Chain Management Supervisors at individual facilities. The Investment Recovery Department, which is part of the Company's Supply Chain function, is responsible for all contracting related to Company sales of scrap materials. Michael Rhodes supervises this office, and has worked in Investment Recovery since 1987.

By Counsel,

A handwritten signature in blue ink, appearing to read 'D. K. Waylett', with a long horizontal flourish extending to the right.

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Attachment 1

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Shipment Date	Source	Material ¹	Amount (pounds)	Amount (dollars)	Contract
10/14/1991	Chesapeake Energy Center	Iron & Steel	20120	470.77	129233
1/9/1992	Chesapeake Energy Center	Iron & Steel	35540	782.94	129233
2/17/1992	M&S Center ²			889.08	129233
3/31/1992	Chesapeake Energy Center	Iron & Steel	28480	658.58	129233
5/1-18/1992	Chesapeake Energy Center			1337.95	129233
5/27/1992	Chesapeake Energy Center	Iron & Steel	20980	479.41	129233
6/22/1992	Chesapeake Energy Center			686.00	129233
8/24-9/8/1992	Chesapeake Energy Center			1020.86	129233
10/13/1992	Chesapeake Energy Center	Iron & Steel	30540	672.79	129233
10/23/1992	Chesapeake Energy Center	Iron & Steel	29840	657.37	129233
11/16/1992	Chesapeake Energy Center	Iron & Steel	17060	371.16	129233
11/30/1992	Chesapeake Energy Center	Iron & Steel	27120	590.02	129233
12/31/1992	Chesapeake Energy Center	Iron & Steel	29620	676.84	129233
1/6/1993	Chesapeake Energy Center	Iron & Steel	29000	964.13	CWA-93-003
2/12/1993	Chesapeake Energy Center	Iron & Steel	15280	533.27	CWA-93-003
1/29/1993	Chesapeake Energy Center			659.60	CWA-93-003
3/3/1993	Chesapeake Energy Center	Iron & Steel	48840	1704.51	CWA-93-003
3/17/1993	Chesapeake Energy Center	Iron & Steel	36580	1240.33	CWA-93-003
4/7/1993	Chesapeake Energy Center	Iron & Steel	24000	774.08	CWA-93-003
4/30/1993	Chesapeake Energy Center	Iron & Steel	14060	453.48	CWA-93-003
6/7/1993	Chesapeake Energy Center	Iron & Steel	27500	914.26	CWA-93-003

¹ Some transactions are only reflected in invoice information printed from the Company's accounting software. These printouts do not include information on the material sold, nor the weight of such material.

² Although the invoice information notes the M&S Center as the location of the material, the invoice further describes this sale as "Portsmouth Plant Retirements." The Chesapeake Energy Center was originally known as the Portsmouth Power Station, and later invoices reflect this same description for shipments from the Chesapeake Energy Center.

Attachment 1

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Shipment Date	Source	Material ¹	Amount (pounds)	Amount (dollars)	Contract
7/22/1993	Chesapeake Energy Center	Iron & Steel	34960	1277.92	CWA-93-003
8/16/1993	Chesapeake Energy Center	Iron & Steel	11760	418.20	CWA-93-003
9/30/1993	Chesapeake Energy Center	Iron & Steel	17520	640.42	CWA-93-003
10/22/1993	Chesapeake Energy Center	Iron & Steel	19620	808.05	CWA-93-003
11/30/1993	Chesapeake Energy Center	Iron & Steel	17040	752.53	CWA-93-003
2/8/1994	Chesapeake Energy Center	Iron & Steel	24300	1121.37	CWA-93-003
3/17/1994	Chesapeake Energy Center			1060.46	CWA-93-003
4/12/1994	Chesapeake Energy Center			2014.80	CWA-93-003
4/22/1994	Chesapeake Energy Center			1364.57	CWA-93-003
4/19/1994	Various			1035.29	KBC-93-004
4/28/1994	Various			961.29	CWA-92-002
5/25/1994	Chesapeake Energy Center	Iron & Steel	36140	1416.70	CWA-93-003
7/21/1994	Chesapeake Energy Center	Iron & Steel	34240	1285.58	CWA-93-003
10/19/1994	Chesapeake Energy Center	Iron & Steel	30440	1344.30	CWA-93-003
11/18/1994	Yorktown Power Station	Scrap Iron & Steel	31980	1266.17	KBC-93-004
12/23/1994	Chesapeake Energy Center	Iron & Steel	28140	1307.89	CWA-93-003
1/18/1995	Chesapeake Energy Center	Iron & Steel	11180	549.21 ³	CWA-93-003
1/26/1995	Chesapeake Energy Center	Iron & Steel	11060	543.32	CWA-93-003
2/15/1995	Yorktown Power Station	Scrap Iron & Steel	34860	1430.39	KBC-93-004
3/14/1995	Chesapeake Energy Center	Iron & Steel	24620	1103.56	CWA-93-003
3/30/1995	Chesapeake Energy Center	Iron & Steel	12200	546.85	CWA-93-003
5/5/1995	Chesapeake Energy Center	Iron & Steel	16940	759.32	CWA-93-003

³ Although the original invoice reflected a slightly higher weight and dollar amount for this transaction, documents provided by EPA included hand corrections resulting in the values given here.

Attachment 1

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Shipment Date	Source	Material ¹	Amount (pounds)	Amount (dollars)	Contract
5/25/1995	Chesapeake Energy Center	Iron & Steel	13280	595.26	CWA-93-003
6/1/1995	Chesapeake Energy Center	Iron & Steel	15300	655.44	CWA-93-003
6/13/1995	Yorktown Power Station	Scrap Iron & Steel	22580	607.01	5013
7/20/1995	Chesapeake Energy Center	Iron & Steel	25020	1071.83	CWA-93-003
8/3/1995	Yorktown Power Station	Scrap Iron & Steel	25660	761.72	5013
8/8/1995	Chuckatuck Headquarters	Aluminum	500	200.00	
8/8/1995	Chuckatuck Headquarters	Aluminum	620	248.00	
8/9/1995	Chesapeake Energy Center	Iron & Steel	22520	1065.31	CWA-93-003
9/7/1995	Chesapeake Energy Center	Iron & Steel	21000	969.09	CWA-93-003
9/11/1995	Yorktown Power Station	Scrap Iron & Steel	14320	414.69	5013
9/14/1995	Yorktown Power Station	Scrap Iron & Steel / Unprepared Steel	18300	529.94	5013
9/22/1995	Chesapeake Energy Center	Iron & Steel / Mixed Steel	13860	639.60	CWA-93-003
9/27/1995	Yorktown Power Station	Scrap Iron & Steel / Mixed Steel	40880	1183.83	5013
10/3/1995	Chesapeake Energy Center	Iron & Steel / Mixed Steel	10080	455.16	CWA-93-003
11/6/1995	Chesapeake Energy Center	Iron & Steel / Tin & Steel	12020	522.88	CWA-93-003
12/8/1995	Chesapeake Energy Center	Iron & Steel / Mixed Steel	21860	979.85	CWA-93-003
12/21/1995	Chesapeake Energy Center	Iron & Steel / Mixed / Unprepared Steel	18780	841.79	CWA-93-003
1/30/1996	Chesapeake Energy Center	Iron & Steel / Unprepared Steel	10700	522.09	CWA 93-003
2/19/1996	Chesapeake Energy Center	Iron & Steel / Mixed Steel	16700	787.23	CWA-93-003
4/27/1996	Yorktown Power Station	Scrap Iron & Steel / Mixed Steel / Tin	8240	221.51	5013
6/18/1996	Chesapeake Energy Center	Iron & Steel / Mixed Steel	20260	881.32	CWA-93-003
6/18/1996	Chuckatuck Headquarters	Control cabinets / Steel / Light Iron	1540	19.25	

Attachment 1

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Shipment Date	Source	Material ¹	Amount (pounds)	Amount (dollars)	Contract
7/3/1996	Chuckatuck Headquarters	Shear Steel/Old metal cabinets	2080	31.20	
7/3/1996	Yorktown Power Station	Scrap Iron & Steel / Mixed Steel	16280	430.89	5013
7/12/1996	Chuckatuck Headquarters	Shear Steel/ Scrap Metal	780	11.70	
7/15/1996	Chesapeake Energy Center	Iron & Steel / Light Steel	14540	613.26	CWA-93-003
10/21/1996	Chesapeake Energy Center	Iron & Steel/ Mixed Steel	23000	962.47	CWA-93-003
11/4/1996	Yorktown Power Station	Scrap Iron & Steel/ Unprepared Steel	12980	305.83	5013
//1996	Chesapeake Energy Center			522.35	CWA-93-003
//1996	Yorktown Power Station			246.92	5013
//1997	Yorktown Power Station			691.12	5013
//1997	Chesapeake Energy Center			436.47	CIR 6061
//1997	Chesapeake Energy Center			620.16	CIR 6061
//1997	Chesapeake Energy Center			731.65	CIR 6061
//1997	Chesapeake Energy Center			577.51	
//1997	Chesapeake Energy Center			808.03	CIR 6061
//1997	Yorktown Power Station			587.04	5013
//1997	Yorktown Power Station			546.06	5013
//1997	Yorktown Power Station			598.92	5013
//1997	Yorktown Power Station			225.08	5013